

Way).

Should you have any questions regarding this meeting please contact the Greenfield South Power Corporation. The Greenfield South Power Corporation contact information can be found on their website: www.greenfieldsouth.ca.

Once again, Councillor Tovey would like to thank you for writing in with your concerns regarding the Power Plant. Councillor Tovey will continue to keep residents up-to-date on this issue.

Regards,

Ashley DiProspero

Administrative Assistant

to Councillor Jim Tovey, Ward 1

City of Mississauga

300 City Centre Drive

Mississauga, Ontario L5B 3C1

905-896-5085

ashley.diprospero@mississauga.ca

www.mississauga.ca



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Greenfield South Power Project Local Community Liaison

Construction of the Greenfield South Power (GSPC) Project at 2315 Loreland Avenue in Mississauga has recently begun. (south of Mattawa Ave. on the east side of Loreland)

GSPC will be holding regular information meetings (approx. every other month) during the construction phase with those interested members of the local community that live or work in closest proximity to the project. These meetings are intended to provide an opportunity for informal dialog between these residents and the project's representatives about current and planned activities on the site and any local impacts that may occur.

Our first local liaison meeting will be held on July 28, 2011, 7 pm, at Gramma's Banquet Hall, 1852 Dundas Street east (SE corner Wharton Way). Those wishing to participate are requested to pre-register before July 21 to the email address below, through our website (address below) or directly by telephone at 416-234-1301 ext 102. Please confirm your name and address when responding.

GSPC will also be providing regular project information updates on its website. Please visit us at: www.greenfieldsouth.ca

Contact Information:

Dr. Bruce E. Holbein, Ph.D.
Greenfield South Power Corporation
Suite 410, 2275 Lakeshore Blvd. W
Telephone: 416-234-1301 Fax: 416-234-8336
Email: bholbein@easternpower.on.ca
GSPC website: <http://www.greenfieldsouth.ca>

Pitkeathly, Doreen (ENERGY)

From: Smith, Margaret (CAB)

Sent: July 22, 2011 8:39 AM

To: Pitkeathly, Doreen (ENERGY); Longkines, Minda (ENERGY)

Subject: CSU 934486 - FYI

Attachments: 1-10720872-CSU_Incoming_Mail.doc;
COCORR_n10721013_v1_Reply_Document_for_Case__934486.doc

July 22, 2011

renato.zinga@bell.net

This e-mail account is not monitored. Please do not reply directly to this e-mail.
For further inquiries, direct your online message through
<http://www.premier.gov.on.ca/feedback/default.asp>.

Thanks for your online message about the Greenfield South Power Plant. Your views are important to me.

As the Honourable Brad Duguid, Minister of Energy, would also be interested in this issue, I've passed along a copy of your message to him for his information. I trust that he will also give your views his careful consideration.

Thanks again for contacting me. Please accept my best wishes.

Dalton McGuinty
Premier of Ontario

c: The Honourable Brad Duguid

Confidentiality Warning: This e-mail contains information intended only for the use of the individual named above. If you have received this e-mail in error, we would appreciate it if you could advise us through the Premier's website at <http://www.premier.gov.on.ca/feedback/default.asp> and destroy all copies of this message. Thank you.

feedbackid = 216031
sendto = CSU <incomingcsu@cab.gov.on.ca>
sendfrom = dmcguinty@premier.gov.on.ca
sendreply =
senderip = 174.95.201.16
senddate = 07/18/2011
preferredlanguage = English
requesturl =
<https://correspondence.premier.gov.on.ca/en/feedback/submitAddress.aspx?FeedbackID=216031&SID=2133522184>
senderPreFix = Mr.
sendername = Mr. Renato Zinga
senderFirstName = Renato
senderLastName = Zinga
senderaddress = 42 West Wareside Road
sendercity = etobicoke
senderpostalcode = m9c 3j1
senderprovince = Ontario
senderemail = renato.zinga@bell.net
sendermessage = Regarding the Gas Powered Plant in south Etobicoke.
I am totally against it, please stop it.
Thank you
Renato
lastmodifieddate =

Pitkeathly, Doreen (ENERGY)

From: Smith, Margaret (CAB)

Sent: July 22, 2011 8:37 AM

To: Pitkeathly, Doreen (ENERGY); Longkines, Minda (ENERGY)

Subject: CSU 934476- FYI

Attachments: 1-10720871-CSU_Incoming_Mail.doc;
COCORR_n10721007_v1_Reply_Document_for_Case__934476.doc

07/22/2011

July 22, 2011

daphnekorczak@hotmail.com

This e-mail account is not monitored. Please do not reply directly to this e-mail.
For further inquiries, direct your online message through
<http://www.premier.gov.on.ca/feedback/default.asp>.

Thanks for your online message about the Greenfield South Power Plant. Your views are important to me.

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Thanks again for contacting me. Please accept my best wishes.

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feedbackid = 216030
sendto = CSU <incomingcsu@cab.gov.on.ca>
sendfrom = dmcguinty@premier.gov.on.ca
sendreply =
senderip = 173.32.48.105
senddate = 07/18/2011
preferredlanguage = English
requesturl =
<https://correspondence.premier.gov.on.ca/en/feedback/submitAddress.aspx?FeedbackID=216030&SID=2133512308>
senderPrefix =
sendername = Daphne Korczak
senderFirstName = Daphne
senderLastName = Korczak
senderaddress = 6 Greencoat Road
sendercity = Toronto
senderpostalcode = M9C 2T8
senderprovince = Ontario
senderemail = daphnekorczak@hotmail.com
sendermessage = Donna Cansfield is not representing her constituents in Markland Wood with respect to the Queensway/Etobicoke Power Plant. We want this to STOP. We will not be poisoned in our own homes, for NO good reason amid a myriad of deception and half-truths. I am writing to ask you to please stop this act of terror now - we will remember.
lastmodifieddate =

Pitkeathly, Doreen (ENERGY)

From: dite_jakupi@hotmail.com
Sent: July 24, 2011 11:04 AM
To: Write2us (ENERGY)
Subject: Queensway Power Plant (Etobicoke/Mississauga)

RE: STOP THE QUEENSWAY POWER PLANT (Etobicoke/ Mississauga)

On behalf of all the residents on Nawbrook Road, Mississauga, ON

The building of the power plant is not only an environmental hazard but it will also negatively impact health, livelihood and property prices. This is unacceptable and must be stopped. Ontario and Canada's political and business leaders supporting this initiative and other power plants in Mississauga/Etobicoke where there is stable/existing residential and commercial success must be stopped immediately. Politicians have been elected to support the best interests of the people FIRST - no exceptions. STOP THE QUEENSWAY POWER PLANT NOW.

from: Dite Jakupovski

Pitkeathly, Doreen (ENERGY)

From: Duguid_Brad-MPP [bduguid.mpp@liberal.ola.org]
Sent: July 25, 2011 11:35 AM
To: Write2us (ENERGY); Peters, Barry (ENERGY)
Subject: FW: IF THIS GAS POWER PLANT PROJECT IS BUILT IN MISSISSAUGA...ONTARIO LIBERALS WILL LOSE SEAT...

From: josie.erent@talented-minds.com [mailto:josie.erent@talented-minds.com]
Sent: Saturday, July 23, 2011 7:40 PM
To: torsun.editor@sunmedia.ca; McGuinty_Dalton-MPP-CO; Hoskins_Eric-MPP-CO; Cansfield_Donna-MPP; Broten_Laurel-MPP; sgrewal@thestar.ca
Cc: Duguid_Brad-MPP; McGuinty_Dalton-MPP-CO; 'Hudak, Tim'; ahorwarth_qp@ndp.on.ca; mayor_ford@toronto.ca; mayor@mississauga.ca
Subject: IF THIS GAS POWER PLANT PROJECT IS BUILT IN MISSISSAUGA...ONTARIO LIBERALS WILL LOSE SEAT...

WE WILL NOT BE TREATED AS 2ND CLASS CITIZENS IN ETOBICOKE BY A BUNCH OF LYING ARROGANT LIBERALS

WHO ALLOW THIS PROJECT TO GO THROUGH...YOU ARE BUNCH OF LIARS WHO DO NOT DESERVE TO BE RE-ELECTED.

YOU ARE BUNCH OF LIBERAL LIARS WHO DO NOT CARE ABOUT THE HEALTH AND SAFETY OF MISSISSAUGA OR ETOBICOKE*(TORONTO) CITY RESIDENTS.

JE

Flynn not fighting for Oakville

Re: Flynn is fighting for Oakville residents, Oakville Beaver, Sept. 10.

I have to say I was quite amused when I read the letter written by Roberto Walcott.

We must remember that Oakville MPP Kevin Flynn was parliamentary assistant to the Minister of Energy and was instrumental in creating the grievously misnamed Green Energy Act.

This act removed all the cards from municipalities across the province and gave the provincial government complete authority over power projects. Flynn cannot distance himself from this. It is in the Parliamentary Hansard.

In February 2009, Dalton McGuinty said:

"Municipalities will no longer be able to reject wind turbines, solar panels, or bio-fuel plants because they don't like them. We can't allow interests to oppose these simply because they don't like them."

McGuinty's quote omitted the words "gas-fired power plants" but the legislation included them.

Hansard records show that Flynn was warned about the act and the consequences that could come about but his response was "don't be silly". Those consequences have happened and the residents of south east Oakville are now fighting the proposed plant but have few tools available to them. Regardless of the opinion of Walcott, Flynn did not have the foresight needed to understand the ramifications of his own legislation to the detriment of all Oakville residents.

If Flynn is truly sincere that he represents his constituents, he should leave the Liberal caucus and sit as an Independent, Flynn will then have the freedom to say what he wants. Such a move would then give him some credibility with Oakville voters as his current attempts to distance himself from the government have no substance. In other words, Flynn should walk the walk not just talk the talk.

If Walcott wants to stop the power plant in Oakville, he had best open his eyes, broaden his horizons and focus on another solution. At the Association of Municipalities of Ontario held last month in Windsor, Tim Hudak, leader of the PC party of Ontario spoke to Mayors and Councillors from across Ontario. Hudak was quoted in the press as follows:

"Any government I lead will empower local decision making. Your voters put their faith in you to make best decisions for your local communities. So should your Premier. That's why we are going to restore the decision-making powers the Green Energy Act took away."

This policy would be a trump card for Oakville and the fight against the proposed power plant.

W. Boyd
Oakville Resident

Pitkeathly, Doreen (ENERGY)

From: Irene Wojcik Gabon [ir37@rogers.com]
Sent: July 26, 2011 6:13 PM
To: Write2us (ENERGY)
Subject: Fw: Local Community Liaison on July 28, 2011

direct email to Sr. Policy analyst

----- Original Message -----

From: "Irene Wojcik Gabon" <ir37@rogers.com>
To: <info@greenfieldsouth.ca>
Sent: Tuesday, July 26, 2011 5:54 PM
Subject: Re: Local Community Liaison on July 28, 2011

> In response to this email, I submit that I received an email from the
> Mayor of Mississauga and from Jim Tovey to whom you mailed an undated
> document some time before July 15th, 2011. The emails received were in
> response to our interest in the Greenfield South Project. I question
> your motives in sending letters by mail to elected people who do not
> "live closest to the site". What did you expect them to do? File the
> letter?
> In the interest of fairness, Gregory and Hubert, if this is a sincere
> effort on the part of Eastern Power Ltd./Greenfield South Project to
> liaise with the Community which was undefined, yet is broad, I ask
> you that you honour those who responded to the Request for Registration
> and allow them in and set the parameters for presentation and a Q & A
> period. THAT would be the honourable and respectful decision to allow
> full disclosure.
> You cannot change horses in mid stream.

> Irene Wojcik Gabon,
> 1569 Sunnycove Drive
> Mississauga, ON
> L4X1B4
> 905 270 3494

> ----- Original Message -----

> **From:** <info@greenfieldsouth.ca>
> **To:** <undisclosed-recipients:>
> **Sent:** Tuesday, July 26, 2011 5:02 PM
> **Subject:** Local Community Liaison on July 28, 2011

> Thank you for your interest in the Greenfield South Power Project.

> Due to us giving priority to residents and businesses located closest to
> the site we are unable to accommodate you at the meeting on July 28, 2011
> but you could try to attend a future meeting - the next one will be held
> in about 2 months time. Please check for the date in September on our
> website:

> www.greenfieldsouth.ca

> Sincerely,

> GREENFIELD SOUTH POWER CORPORATION

Pitkeathly, Doreen (ENERGY)

From: jandan.eichner@sympatico.ca
Sent: July 26, 2011 3:41 PM
To: Write2us (ENERGY)
Subject: queensway gas fired power plant

As a mother of two little boys and an Etobicoke resident who was " until finding out about this, a proud resident " I am BEGGING you to Stop the Queensway Gas Fired Power Plant from being built!!!

We know the Province needs power. That's not the issue. The issue is power plants in neighbourhoods. This is not about "my backyard". These are industrial plants, and they don't belong in anybody's backyard. We're baffled as to why any responsible company would even propose such a thing. And we're mystified as to why our elected representatives haven't put a stop to it. There are plenty of industrial zones in Mississauga and Etobicoke that would provide more appropriate locations, although perhaps not so conveniently sited next to existing Hydro lines... cost seems to be the driving force here, not the net community wellbeing.

This whole process has been marked by secrecy and suspected backroom deals. In fact, that as part of the tender process, they were not allowed to talk to any local politicians, residents or to the media. That is incredibly annoying and ridiculous!

Eastern Power Limited runs two recycling facilities and has no record related to building or operation of power plants. The company is virtually non-existent in Internet searches. Yet they somehow won 3 government contracts, two of which they have abandoned. We are deeply sceptical about the fitness and capacity to be a major supplier of power to the people of Ontario , and we see no evidence of good corporate citizenship.

The proposed power plant is not subject to a full environmental assessment, even though it is being built within a few hundred metres of existing residences, and on the banks of the Etobicoke Creek, upwind of the densest population center in Canada . This is not acceptable.

Cleaner coal technology is being developed in Europe and the United States . There are experts who argue that the new "clean" coal is better for the environment than natural gas. Lakeview Generating Station could have been retrofitted with this new technology, at a fraction of the cost, with no new impact on the local community as it is an existing site. Yet, no one wishes to discuss this option.

The proposed plant will have much shorter stacks than Lakeview, and therefore, instead of a very broad dispersal pattern of emissions as would be seen with taller stacks, any emissions from these shorter chimneys will fall over the local neighborhoods, which include houses, schools, and a major hospital. We understand that natural gas plants emit higher levels of PM2.5, the tiniest particulate matter that gets deep inside our lungs. This is particularly worrisome for the elderly, very young, and of course those with asthma and other related breathing disorders.

Eastern Power Limited will be allowed to burn fuel oil as much as 10% of the time. This is much dirtier and a source of more serious pollutants. Being a "for profit" private company, Eastern Power Limited is expected to take advantage of fluctuations in prices to burn oil when it becomes more profitable. There will be 60,000 gallons of fuel storage tanks right near the banks of the Etobicoke creek, which runs into Lake Ontario . It is unconscionable that this plan got past the first stage! The plant will use up to 1,000,000 gallons of water a day for cooling purposes and the resulting hot water could enter the sewer system and make its way into Lake Ontario .

There are issues with noise and vibrations in the local community, and a much more serious concern with the constant water plume, which is predicted to darken the neighborhood, and cause black ice and bad fog under certain weather conditions.

Most peculiar is the fact that the Ministry of Environment's own guidelines suggest that THESE PLANTS SHOULD NOT BE BUILT WITHIN 1000 METRES OF RESIDENCES. This plant, as

proposed, will be as close as 250 metres from the nearest homes. How is it possible the Ministry of the Environment overlooked their own guidelines? In fact the Ministry has ignored it's own guidelines in several instances.

DO THE RIGHT THING and stop this facility from being built!

from: Janet Gibson Eichner

Pitkeathly, Doreen (ENERGY)

From: pschlatter@ebay.com
Sent: July 27, 2011 2:42 PM
To: Write2us (ENERGY)
Subject: Proposed Queensway Gas Fired Power Plant

Hello Mr. Duguid.

My name is Philip Schlatter and I am a homeowner in Markland Wood. I am writing to you to voice my concern about the proposed Queensway Gas Fired Power Plant. I am completely opposed to this power plant being built in my back yard. I have a young family with kids aged 2 and 4 years old and fear for their future health. I moved to Markland Wood because it is a great community with access to great schools. We love living here but I certainly don't want to subject my kids to the harmful emissions of this gas fired power plant for their formative growing years (nor do I want to be subjected to them either)! Perhaps I am naive in saying this but we live in a country with incredible amounts of undeveloped land...do we really need to build a Gas Powered plant in the heart of the GTA? Please help stop the building of this power plant!

Thank you.

Philip Schlatter
from: Philip Schlatter

Pitkeathly, Doreen (ENERGY)

From: Skubik_Elizabeth [eskubik@liberal.ola.org]
Sent: July 28, 2011 4:04 PM
To: 'write2us@energy.gov.on.ca'; Peters, Barry (ENERGY); Feairs, Jon (ENERGY)
Subject: FW: Stop the Queensway (Mississauga / Etobicoke) Power Plant

From: jeff liu [mailto:jeffliuca@gmail.com]
Sent: Wednesday, July 20, 2011 10:41 PM
To: jeffliuca@gmail.com
Subject: Stop the Queensway (Mississauga / Etobicoke) Power Plant

Hi,

If you are against this project, please help spread this petition site:

<http://www.thepetitionsite.com/1/Stop-the-Queensway-Power-Plant/>

If you are for the project, please see the anger of the residents living in this area.

Thanks.

Jeff

Pitkeathly, Doreen (ENERGY)

From: ron.kelly@rogers.com
Sent: July 28, 2011 5:32 PM
To: Write2us (ENERGY)
Subject: Stop the proposed gas-fired plant across from Sherway Gardens

As a long time resident of Etobicoke, a long time member of the Markland Wood Homeowners Association, and a long time Liberal supporter I am writing to you to express my opposition to the Queensway Gas-fired Power Plant being discussed. This location is ill advised and poorly selected with emissions falling directly on residential neighbourhoods. This project must be stopped immediately.

Should this project continue I will no longer be willing to vote for the Liberal party in the next or subsequent elections. Much more care and thought must be placed upon selecting sites for such facilities that directly impact residential areas. This project must be stopped.

Thank you.

Regards,

Ron Kelly
from: Ron Kelly

Gibbs, Diana (ENERGY)

From: Duguid_Brad-MPP
Sent: July 28, 2011 4:10 PM
To: write2us@energy.gov.on.ca; Peters, Barry (ENERGY)
Subject: FW: July 16th / 2011 Energy Demand as per IESO website at 13:00

From: Dean Trentowsky [mailto:wtd16@hotmail.com]
Sent: Saturday, July 23, 2011 11:13 AM
To: Wilkinson_John-MPP-CO
Cc: McGuinty_Dalton-MPP-CO; Duguid_Brad-MPP; Duncan_Dwight-MPP; Mitchell_Carol-MPP-CO; Jeffrey_Linda-MPP-CO; Leona Dombrowsky; Cansfield_Donna-MPP; Levac_Dave-MPP; minister.moe
Subject: RE: July 16th / 2011 Energy Demand as per IESO website at 13:00

From the IESO website:
 Today at 11:00 am, the demand is 20,000 MW...45MW supplied by wind.

My previous comments still stand.

W. Dean Trentowsky
 Mitchell, ON.
 519 - 274 - 3933

From: wtd16@hotmail.com
 To: jwilkinson.mpp.co@liberal.ola.org
 CC: dmcguinty.mpp.co@liberal.ola.org; bduguid.mpp@liberal.ola.org; dduncan.mpp@liberal.ola.org; cmitchell.mpp.co@liberal.ola.org; ljeffrey.mpp.co@liberal.ola.org; dombrowsky.mpp.co@liberal.ola.org; dcansfield.mpp@liberal.ola.org; dlevac.mpp@liberal.ola.org; minister.moe@ontario.ca
 Subject: July 16th / 2011 Energy Demand as per IESO website at 13:00
 Date: Sat, 16 Jul 2011 14:08:07 -0400

From the IESO website:

Saturday, July 16th / 2011 @ 13:00
 19,202 MW total demand

Power Output
 Nuclear - 8811 MW
 Water - 4220 MW
 Gas - 3509 MW
 Coal - 2360 MW
 Wind- 0032 MW
 Other- 0133 MW

The much talked about industrial wind turbines (IWT's) are producing 32 MW (0.17%) of the total power required in Ontario at this very moment.

Today is the hottest day of the year. There is no wind at all. The smog and air pollution will be stagnant in the skies of Ontario with no wind to disperse it or to spin the IWT's.

Wasn't the idea of having wind energy to reduce air pollution?

On a day like today, due to the heat we are using an increased amount of electricity due to the heat, and at the

07/29/2011

same time we need to have minimized emissions to keep air quality at optimum levels.

On a day like today, wind power does not contribute electricity and it does not reduce harmful emissions. On a day like today, wind power is USELESS!!!!!!

Even on the days when it is windy, the amount of wind power generated is equal to or less than the amount of "excess" power generation.

I dare say that the Mc Guinty Green Energy program is wayyyyy off target ...again.

Is it not high time to admit Mr. Minister that the whole IWT plan needs to be stopped and given a SERIOUS rethink? You owe that much to Ontario along with the overdue answers to our questions about the ongoing health concerns regarding IWT's.

W. Dean Trentowsky
Mitchell, ON.
519 - 274 - 3933

Gibbs, Diana (ENERGY)

From: Duguid_Brad-MPP
Sent: July 28, 2011 4:12 PM
To: write2us@energy.gov.on.ca; Peters, Barry (ENERGY)
Subject: FW: IWT

From: justtrotonby@aol.com [mailto:justtrotonby@aol.com]
Sent: Saturday, July 23, 2011 11:38 AM
To: Duguid_Brad-MPP
Subject: IWT

I live in Mapleton Township, Wellington County where NextEra Energy is planning surrounding my home with 10 large IWT. I have written to you in the past and received generic lectures on the green energy act - nothing that would help me. I watched you on CTV news last Tuesday where you said that wind power was unreliable, you wanted to do away with coal and go to more nuclear. The output of wind that day was only enough to power 3,000 homes - not the 330,000 that you say they will power. That is only 3% and 1 one hundredth of their potential. We were not in danger of not having enough energy that day but it certainly was not thanks to the wind industry. Why do you insist on cramming these inefficient energy modes down our throat when you know full well they are making us sick, devaluating our properties. Your energy department is trying to cram through wind turbine projects in case there is a change in government. I thought you were elected to serve the people - me for instance. Why won't you listen to me instead of the foreign companies that will line their pockets with my money and make me sick to boot. Why did the Ministry of Energy interfere by writing a letter to Justin Rangoini (CanWea) stating that 9 projects on the FIT program (one of them NextEra Energy) didn't have to do the stage 2 archaeological report before they submitted their final submission? Since when does one ministry interfere with the business of another ministry? Doris Dumais of the Ontario MOE say they don't but her signature was on that letter too. The stage two archaeological report should have been part of NextEra's final submission but now we likely won't even see it. How transparent is that?. CanWea works for the developers and gets money from the provincial government. How is this fair. Weren't you voted in by the people of Ontario and not the lobbyist group CANWEA who works for the developers? I hope you don't get reelected. I hope you don't sleep at night when you see how many more people you are driving from their homes. You make bad business decisions. Donna Weaver Box 10, Arthur, Ontario, N0G 1A0

Gibbs, Diana (ENERGY)

From: catherine.george@sympatico.ca
Sent: July 29, 2011 2:09 PM
To: Write2us (ENERGY)
Subject: Mississauga Power Plant

Mississauga Power Plant

As residents of south Etobicoke we are writing to let you know that we are adamantly opposed to the building of a gas-fired power plant across from Sherway Gardens.

Yes, we know the Provincial government and environmentalists have done studies proving emissions from gas-fired plants are less harmful than coal-fired plants. But that does not mean they are safe.

Why build a power plant in the heart of southern Ontario's most populated region when some rural areas (like Nanicoke) are willing to accommodate them as job creation programs?

Heavily populated areas are not the place for power plants. We are exposed to enough toxic emissions from the QEW and other major arteries in Etobicoke/Mississauga. Please support concerned area residents and urge Provincial authorities to rethink this irresponsible decision.

Catherine and Cal George

11 Lady Bank Road

Etobicoke, Ont.

M8Z 4J4

from: Catherine and Cal George

Pitkeathly, Doreen (ENERGY)

From: Duguid_Brad-MPP
Sent: July 29, 2011 12:02 PM
To: Peters, Barry (ENERGY); write2us@vsd43.korax.net
Subject: FW: Mississauga/Etobicoke - Residents saying NO to the Gas Fired Power Plant

-----Original Message-----

From: Simon Chan [mailto:ut.simon@gmail.com]
Sent: Thursday, July 28, 2011 11:41 PM
To: kentp@parl.gc.ca; j.wilkinson@ontario.ca; Wilkinson_John-MPP-CO;
brad.duguid@ontario.ca; Duguid_Brad-MPP; dmccguinty.mpp@liberal.ola.org;
Cansfield_Donna-MPP-CO; Broten_Laurel-MPP-CO
Cc: mayor_ford@toronto.ca; councillor_grimes@toronto.ca;
councillor_milczyn@toronto.ca; jim.tovey@mississauga.ca;
mayor@mississauga.ca; ontario.municipal.board@ontario.ca
Subject: Mississauga/Etobicoke - Residents saying NO to the Gas Fired
Power Plant

Good Afternoon,

As a long time South Etobicoke resident, it's quite upsetting to hear about the construction of a gas-fired power plant adjacent to Sherway Gardens Mall and directly across from Trillium Hospital. Residents across the region from Oakville to High Park are strongly opposed to the location of this power plant due to its extremely close proximity to residential homes, condos, a major railway line, environmentally sensitive Etobicoke creek, a large complex shopping mall, major hospital and a hospice.

Since this plant was approved by the OMB in 2007, the area has gone through tremendous growth and development in and around the Sherway Gardens area. Four 22+ story towers standing less than a few hundred meters away from this proposed power plant will be directly in the southeast downwind direction of plumes that will be emitted from the power plant stacks. This is unacceptable as there will be close to 2,000 residents living in the One Sherway condos including many seniors and kids with respiratory problems whose balconies may directly face the downwind of these pollutants no matter how minute it may be.

Numerous reports have also indicated that the airshed in this region is completely taxed from the industrial plants and highways nearby. This plant will negatively affect hospital patients who already have weakened immune systems and may have severe respiratory issues. These patients

and
guests (who could be fathers, mothers, brothers and sisters of loved
ones)
will be walking through the areas directly across from this power plant
at
Trillium hospital and The Dorothy Lea Hospice during their most
stressful
period of time.

In the end, It's quite disheartening to see our elected MP/MPP officials
take the silence approach in this issue towards their very own
constituents
that have elected them to represent their voices and eyes for their
neighborhoods. I hope that everyone understands that this a major issue
for
residents in this region and your decisions will impact thousands of
families across the GTA where many are already quite upset with the lack
of
response from their local MP/MPP's. There is no better time than right
now for
constituents to figure out who they can trust and support so I hope
someone
can step up to the plate and restore the faith that constituents have
placed
in your hands to ensure that our families grow in a safe and healthy
environment.

Please put out the orders to halt the construction immediately and put
this
plant in areas that where residents support and welcome it (Ex:
Nanticoke)

Sincerely,

Simon Chan

C: 416 305 8602

South Etobicoke Resident

Pitkeathly, Doreen (ENERGY)

From: mbarre01@guelphhumber.ca
Sent: July 30, 2011 2:29 PM
To: Write2us (ENERGY)
Subject: Help Stop the Proposed Queensway Power Plant

I am asking that the Ontario government takes action to help stop the proposed Queensway Power Plant on the Etobicoke-Mississauga border. The location is less than ideal because it will be releasing emissions on local communities and the Queensway Hospital. I am concerned that the air quality will be reduced because of the pollutants and emissions emitted. In addition, this will affect the Etobicoke Creek watershed because I read the cooling water will be expelled into the creek that borders the power plant site.

I am a co-op student at Toronto Hydro and I understand there is a growing need for electricity as Toronto, and surrounding regions continues to develop. I realize that the demand has to be met by building more generating facilities, but the selected location on the Etobicoke-Mississauga boarder is not a viable solution.

As a resident in the Markland Wood Community in Etobicoke, this power plant is being built practically in my backyard. One may oppose the power plant as a NIMBY (Not in my backyard) problem, but I see this as a problem that can have a profound influence of the nearby residence and the environment.

Regards,

Matthew Barrett
Co-op Student at Toronot Hydro, Warehouse Management and Administration Forth Year,
Business Management Business Administration, University of Guelph-Humber

from: Matthew Barrett

Pitkeathly, Doreen (ENERGY)

From: Duguid_Brad-MPP [bduguid.mpp@liberal.ola.org]
Sent: August 2, 2011 4:34 PM
To: Peters, Barry (ENERGY); Write2us (ENERGY)
Subject: FW: Etobicoke Power Plant construction- Community Meeting
Attachments: residents turned away.jpg; MPP Charles Sousa - Miss. South.jpg

From: Heather Emerson [mailto:oneeyeblicking@hotmail.com]
Sent: Friday, July 29, 2011 4:18 PM
To: Anna (Theo); Daphne (Sam) Korczak; Ines (Analia); kcollett53@hotmail.com; Kinga and Arthur (Maksym); Lina (Lauren); Loanne Voskans; Monica and Paul (Grace); Nadia (Eli); Rebecca (Nate and Nolan); yvonne (Noah); dilekdag@gmail.com; hezfen@hotmail.com; jlvalvano@hotmail.com; chiaraarevalo@sympatico.ca; frosthorne@gmail.com; jacqueline.dowhaniuk@gmail.com; karen_andrews@rogers.com; kd1020@hotmail.com; lori_rob@rogers.com; marciacorreale@hotmail.ca; marisasalitulo@rogers.com; missymartini11@yahoo.com; nikki.mcintosh@medtronic.com; Karen Munchkins; Sara Schlatter (Brady); stephanienyilas@yahoo.ca; ssteale001@sympatico.ca; Vanessa & Shane; Adrianna (Alexandria, Ella) Bogris; Aylin (Ava); Candace Freyseng (Pasha); Elena (Nikolina); Roy (Sam); Robyne (Luke); Rose Bianchini; Sarah (Alyssa); Tamara (Milica); Violetta (Samantha); Broten_Laurel-MPP-CO; Sousa_Charles-MPP; hazel.mccallion@mississauga.ca; mayor_ford@toronto.ca; councillor_milczyn@toronto.ca; councillor_grimes@toronto.ca; d.cansfield.mpp.co@liberal.ola.org; Councillor Doug Holyday - Etobicoke; Duguid_Brad-MPP; jim.tovey@mississauga.ca; bob.collins@powerauthority.on.ca; media@powerauthority.on.ca; andrew.pride@powerauthority.on.ca; Derek Emerson
Cc: d3748@rogers.com; Greg Rohn - home; aschaefer@rogers.com; news@marklandwood.com; terry.davidson@sunmedia.ca; kevin.connor@sunmedia.ca; news.to@citynews.ca; news@nowtoronto.com; city@thestar.ca; torsun.citydesk@sunmedia.ca; news@ctv.ca; globalnews.tor@globaltv.com; breakingnews@cp24.com
Subject: RE: Etobicoke Power Plant construction- Community Meeting

Hello concerned residents, media and elected officials,

With Cancer-awareness being at an all-time high, the continued construction of the Etobicoke PowerPlant is a shocking disappointment and I'm sure you will appreciate this update:

Yesterday's community meeting was a good success for those of us who oppose the construction of a local Power Plant and I've attached two photos. The Eastern Power company selected the smallest possible venue and tried to turn residents away **and we showed up anyhow**. Good for us! More than 150 angry residents from all different areas of Etobicoke and Mississauga pushed their way into the meeting to let the elected members know that this will be an election issue. Donna Cansfield, MPP and Charles Sousa, MPP were among them and I'm sure they're getting the message - **the person who stops the construction will get my vote**. The issue seems to be that there will be a cost associated with cancelling the PowerPlant's permits and to that I ask: What price should we put on our health, our children's health and the well being of the Etobicoke Creek habitat? Keep up the pressure. HELP MAKE THIS AN ELECTION ISSUE. Please forward the link to the petition to your friends to sign.

<http://www.thepetitionsite.com/1/Stop-the-Queensway-Power-Plant/>

All the emails you need are on this message if you would like to "Reply All" and make your opposition known as well. And here are the communications links for the elected Ministers who require public

pressure to help them oppose the continued construction of this dangerously irresponsible project.

John Wilkinson, Minister of Environment <http://www.ene.gov.on.ca/environment/en/main/contacts/minister/index.htm>
Brad Duguid, Minister of Energy – <http://www.mei.gov.on.ca/en/about/index.php?page=contact-information>

For those looking for info about the power plant, check out Rogers TV's recent program about the issue: <http://goo.gl/7WqN9>

Cheers,

Heather, Derek and baby Kira Emerson
18 Fieldstone Rd., M9C 2J6
416 621-5107

Pitkeathly, Doreen (ENERGY)

From: Duguid_Brad-MPP [bduguid.mpp@liberal.ola.org]
Sent: August 2, 2011 4:33 PM
To: Write2us (ENERGY); Peters, Barry (ENERGY)
Subject: FW: Greenfield South Power Plant - City of Mississauga
Attachments: MPP Broten letter.pdf; MOE letter.pdf

From: Heather W [mailto:hlynnw@gmail.com]
Sent: Friday, July 29, 2011 5:22 PM
To: Cansfield_Donna-MPP; Sousa_Charles-MPP; Broten_Laurel-MPP-CO; councillor_grimes@toronto.ca; councillor_milczyn@toronto.ca; mayor_ford@toronto.ca; Wilkinson_John-MPP-CO; mayor@mississauga.ca; McGuinty_Dalton-MPP-CO; Duguid_Brad-MPP
Subject: Re: Greenfield South Power Plant - City of Mississauga

Further to my previous email, I would like to know why the public was shut out of a public information session about the 280-megawatt Greenfield power plant on Loreland Ave. in east Mississauga.

I registered to attend the July 28th session and was told that I could not be accommodated because the meeting was being geared towards local residents to discuss the local impacts of construction.

In response to my previous email, I was under the impression that the Certificate of Approval for the facility was undergoing a review and that I would receive information on the findings of that review. I am concerned as to why there are public meetings taking place about construction impacts when a full environmental review of the facility has yet to be undertaken. See attached emails for pertinent responses.

As you are all aware, plans to build the plant, in the works for years, have been and will continue to be opposed for a variety of reasons, including its proximity to homes, Trillium Health Centre West Toronto and Etobicoke Creek. The emissions from the plant know no boundaries and the broader community has a right to know what's happening with the proposal and what the province is doing to halt it.

Please advise on the status of the environmental review of this project.

Heather

On Sun, Jun 19, 2011 at 4:43 PM, Heather W <hlynnw@gmail.com> wrote:

I am extremely concerned with hearing that the City of Mississauga issued a building to clear the way for Eastern Power Ltd to build a 280-megawatt gas-fired plant in the southwest of Mississauga just west of the Sherway Gardens mall.

As I am sure you are aware, the site backs onto the Etobicoke Creek, a hospital, residential areas, and new condominiums that were not taken into consideration in the initial approval of the project.

The emissions from the plant area expected to pose air pollution and human health and safety risks. The plume that could come out of the Greenfield South plant, which is the escaping particulate matter that's carcinogenic and unhealthy, blows east and southeast, affecting all of the residents in the Long Branch, Mimico, Lakeshore,

West Toronto and downtown Toronto areas.

I understand that the Minister of Energy pulled the plug on the Oakville plant in October 2010, citing that "changes in demand and supply" as well as successful conservation efforts meant the Oakville plant was no longer necessary for the Southern GTA's energy needs. With this confirmation from the province that the need for the energy is no longer an issue for the area, why would the similar Greenfield South project still go ahead?

I greatly appreciate that Minister John Wilkinson has decided to review the MOE's decision to approve plans for the plant. I understand that MOE issued a certificate of approval in 2008, but with the changes in the provincial energy picture and the surrounding land use changes, the project is being called into question. The initial approvals were granted when local, gas-fired powered generation was seen to be the right solution, but seemingly the picture has changed given the recent decision in Oakville. I think it's important for residents to know whether this is the right source of energy, if needed at all, and whether our airshed in the western and downtown portions of Toronto is any less sensitive than that in Oakville.

With the cancellation of the Oakville plant, with work still being done on developing Ontario's long-term energy plan, and given the lack of information relating to the environmental assessment process demonstrating the impact of this project, this plant should not be built with so many unanswered questions as to its safety or necessity.

Simply stated, the natural-gas-fired power station is too close to residential and environmental areas and just like the Oakville plant, needs to be axed by Premier Dalton McGuinty. There is simply no need for the additional energy capacity and the unknown health and environmental risks are far too great.

As a resident of South Etobicoke, I am seeking ample proof as to why, months after the province cancelled a gas-fired power plant planned for Oakville, we are potentially going to be still stuck with a similar project our backyard. The plant seems unnecessary and potentially dangerous to public health and safety.

Please let me know what is being done to halt this project.

Thank you,
Heather



LAUREL BROTEN, MPP

Etobicoke - Lakeshore

June 20th, 2011.

Dear Heather;

Thank you for your recent email expressing your concerns regarding the construction of the Greenfield South energy project in the City of Mississauga.

As you may be aware, this site underwent an Environmental Assessment and was granted a certificate of approval in 2008. Strengthened by the feedback from the community consultation at the time, the plant will be required to meet stringent safety and environmental requirements that include; ambient air monitoring for two years and stack emission monitoring to assess any off-site impacts. As well, a community advisory committee will be established to work together to monitor activities and share information.

For many years, I have been active, along with other residents in Etobicoke-Lakeshore to ensure that we have "Good Air, Safe Power". The GASP Group worked in support of the demolition of Lakeview Generating Station in 2005.

As MPP for Etobicoke-Lakeshore and a resident of this community, I have always been concerned about air quality and quality of life in Etobicoke-Lakeshore and can appreciate that both our community and surrounding areas have questions about the possible impact on local air quality and the environment.

Although consultations were part of the Environmental Assessment process, there have not been any consultations in several years, during which time many new residents have moved into Etobicoke-Lakeshore. As such, I have asked that the Minister of the Environment and the Minister of Energy conduct a review of environmental impacts. If the results indicate that the air quality or environment in this community will be compromised by the construction of the Greenfield South power plant, you can be assured that I will not support its construction.

Working to find a solution to our community needs, as well as the province's plans to replace our energy supply with new, clean reliable sources of energy must be balanced with the need to address potential environmental impacts. I look forward to continuing to work with you to ensure these issues are addressed.

Once again, thank you for taking the time to write.

Yours truly,

Laurel C. Broten, MPP
Etobicoke-Lakeshore

Constituency Office

701 Evans Avenue, Suite 100, Etobicoke ON, M9C 1A3

Tel 416-259-2249 | Fax 416-259-3704 | Email lbroten.mpp.co@liberal.ola.org

Ministry of the Environment
Environmental Assessment and
Approvals Branch

2 St. Clair Avenue West
Floor 12A
Toronto ON M4V 1L5
Tel.: 416 314-8001
Fax: 416 314-8452

Ministère de l'Environnement
Direction des évaluations et des
autorisations environnementales

2, avenue St. Clair Ouest
Étage 12A
Toronto ON M4V 1L5
Tél. : 416 314-8001
Téléc. : 416 314-8452



ENV1283MC-2011-1824

June 29, 2011

Ms. Heather W.
hlynnw@gmail.com

Dear Ms. Heather W:

Thank you for your e-mail of June 19, 2011 bringing to the Minister's attention your concerns about the construction of the Greenfield South gas-fired generating station in south Mississauga. I am pleased to respond on behalf of the Minister.

You indicated your concern about the issuance of a construction permit for this facility. Please be aware that it is the responsibility of our municipal partner, the City of Mississauga, to issue construction permits and to determine appropriate land uses according to municipal zoning requirements. The Ministry of the Environment encourages municipalities to consider our D-Series Guidelines to establish separation distances between incompatible land uses when preparing official plans and making zoning decisions. I would encourage you to contact the City of Mississauga about your concerns with this project.


The proponent in this case, Eastern Power, fulfilled the technical and regulatory requirements of the Environmental Screening Process to the satisfaction of the Minister by preparing comprehensive scientific studies and consulting with the public. Approval to proceed with this undertaking was given by the Minister in July 2008. A Certificate of Approval (Air) was issued by the ministry in December 2008, after a detailed technical review of the project confirmed that the facility could meet our stringent emission standards. The Certificate of Approval (Air) imposed conditions on the facility requiring it to be operated to meet provincial emission standards and in an environmentally responsible way.

Nevertheless, the ministry is aware of the concerns raised by you and other local residents. We are also aware that some land uses have changed in the area, for example, people are living in buildings that are taller than what was present previously. This is why the ministry has decided to review the Certificate of Approval (Air) for the Greenfield South plant to ensure that the plant can be operated in a way that is fully protective of the public health and the environment. We will notify you of the results once the review has been completed.

Ms. Heather W.
Page 2.

Your advocacy on behalf of the local environment is commendable and I appreciate your interest in this matter. I trust this information is helpful. If you have any further questions or concerns, please contact Mr. Ian Greason, P.Eng. at 416-212-3417 or ian.greason@ontario.ca.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Doris Dumais". The signature is fluid and cursive, with the first name "Doris" being more prominent and followed by "Dumais".

Doris Dumais
Director – Approvals Program
Environmental Assessment and Approvals Branch

Pitkeathly, Doreen (ENERGY)

From: Duguid_Brad-MPP [bduguid.mpp@liberal.ola.org]
Sent: August 2, 2011 4:27 PM
To: Peters, Barry (ENERGY); Write2us (ENERGY)
Subject: FW: Etobicoke Power Plant construction- Community Meeting

From: katie collett [mailto:kcollett53@hotmail.com]
Sent: Monday, August 01, 2011 2:09 PM
To: anna.anderson@utoronto.ca; daphnekorczak@hotmail.com
Cc: Heather Emmerson; inescolucci@hotmail.com; kinga@thinkers.cx; j_levans@rogers.com; fullblast@sympatico.ca; monicakathrine@yahoo.com; nadia.douglas@gmail.com; r_ruddle@yahoo.com; yvonne.cheng@gmail.com; dilekdag@gmail.com; hezfen@hotmail.com; jlvalvano@hotmail.com; chiaraarevalo@sympatico.ca; frosthhome@gmail.com; jacqueline.dowhaniuk@gmail.com; karen_andrews@rogers.com; kd1020@hotmail.com; lori_rob@rogers.com; marciacorreale@hotmail.ca; marisasalitulo@rogers.com; missymartini11@yahoo.com; nikki.mcintosh@medtronic.com; krawczyk123@hotmail.com; sarandipitous@rogers.com; stephanienyilas@yahoo.ca; ssteele001@sympatico.ca; vanessacarty@rogers.com; adrianna.bogris@gmail.com; aylin_ugur@hotmail.com; candace.freyseng@rogers.com; elenakontrec@yahoo.ca; royboyce@rogers.com; rrobyne_@hotmail.com; rbianchini@hotdocs.ca; smichaelis@rogers.com; tamara.miljevic@yahoo.ca; naranjov@yahoo.com; Broten_Laurel-MPP-CO; Sousa_Charles-MPP; hazel.mccallion@mississauga.ca; mayor_ford@toronto.ca; councillor_milczyn@toronto.ca; councillor_grimes@toronto.ca; d.cansfield.mpp.co@liberal.ola.org; councillor_holyday@toronto.ca; Duguid_Brad-MPP; jim.tovey@mississauga.ca; bob.collins@powerauthority.on.ca; media@powerauthority.on.ca; andrew.pride@powerauthority.on.ca; derek.emerson@xpedx.com; d3748@rogers.com; rohn0562@rogers.com; aschaefer@rogers.com; news@marklandwood.com; terry.davidson@sunmedia.ca; kevin.connor@sunmedia.ca; news.to@citynews.ca; news@nowtoronto.com; city@thestar.ca; torsun.citydesk@sunmedia.ca; news@ctv.ca; globalnews.tor@globaltv.com; breakingnews@cp24.com
Subject: RE: Etobicoke Power Plant construction- Community Meeting

I have already sent a message stating our position opposing the power plant and my families' own reasons and views for our opposition. But, I would also like to state my full and wholehearted agreement with the statements made by Anna Anderson and family and Daphne Korczak and family (messages below). We will not provide support for any political figure who is involved in letting this project go through to completion.

Katie Gray and family

Residents of Markland Woods Community

Date: Fri, 29 Jul 2011 21:08:25 -0400
From: anna.anderson@utoronto.ca
To: daphnekorczak@hotmail.com
CC: oneeyeblicking@hotmail.com; inescolucci@hotmail.com; kcollett53@hotmail.com; kinga@thinkers.cx; j_levans@rogers.com; fullblast@sympatico.ca; monicakathrine@yahoo.com; nadia.douglas@gmail.com; r_ruddle@yahoo.com; yvonne.cheng@gmail.com; dilekdag@gmail.com; hezfen@hotmail.com; jlvalvano@hotmail.com; chiaraarevalo@sympatico.ca; frosthhome@gmail.com; jacqueline.dowhaniuk@gmail.com; karen_andrews@rogers.com; kd1020@hotmail.com; lori_rob@rogers.com; marciacorreale@hotmail.ca; marisasalitulo@rogers.com; missymartini11@yahoo.com; nikki.mcintosh@medtronic.com; krawczyk123@hotmail.com; sarandipitous@rogers.com; stephanienyilas@yahoo.ca; ssteele001@sympatico.ca; vanessacarty@rogers.com; adrianna.bogris@gmail.com; aylin_ugur@hotmail.com; candace.freyseng@rogers.com; elenakontrec@yahoo.ca; royboyce@rogers.com; rrobyne_@hotmail.com; rbianchini@hotdocs.ca; smichaelis@rogers.com; tamara.miljevic@yahoo.ca; naranjov@yahoo.com; lbrotten.mpp.co@liberal.ola.org; csousa.mpp@liberal.ola.org; hazel.mccallion@mississauga.ca; mayor_ford@toronto.ca; councillor_milczyn@toronto.ca; councillor_grimes@toronto.ca; d.cansfield.mpp.co@liberal.ola.org; councillor_holyday@toronto.ca; bduguid.mpp@liberal.ola.org;

jim.tovey@mississauga.ca; bob.collins@powerauthority.on.ca; media@powerauthority.on.ca;
 andrew.pride@powerauthority.on.ca; derek.emerson@xpedx.com; d3748@rogers.com; rohn0562@rogers.com;
 aschaefer@rogers.com; news@marklandwood.com; terry.davidson@sunmedia.ca; kevin.connor@sunmedia.ca;
 news.to@citynews.ca; news@nowtoronto.com; city@thestar.ca; torsun.citydesk@sunmedia.ca; news@ctv.ca;
 globalnews.tor@globaltv.com; breakingnews@cp24.com

Subject: RE: Etobicoke Power Plant construction- Community Meeting

My request to participate in Thursday meeting was turned down. Why? Because I do not live close enough to the construction site.What?!

I really do not care if I do not reside in close proximity to the plant - our house is on the border between Mississauga and Etobicoke. My family is AGAINST this project. But nobody asks us!!!! The air is already heavily polluted in the city. This plant is going to be a heavy burden on our lungs. By-products of burning will slowly but surely ruin us and our children. I am so angry! I guess our family will have to move somewhere else in GTA. If it is the matter of election, the officials will not get my voice.

Anna Anderson and family.

Quoting Daphne Korczak <daphnekorczak@hotmail.com>:

>
 > Dear elected officials, media and power authorities,
 >
 > How does this happen in a civilized society? A systematic assault
 > on children and families, whose only crime is living in their homes
 > (and paying high taxes and land transfer fees to do so) and
 > breathing the air that their captors intend to use to pollute them?
 > I thought Toronto was better than this.
 >
 > "The issue seems to be that there will be a cost associated with
 > cancelling the PowerPlant's permits " - This is akin to a
 > shoplifter refusing to turn himself in because he will have to give
 > the stolen goods back! We paid for the cancellation of the island
 > airport/bridge construction - a project that would not physically
 > harm anybody...it was just noise and traffic...this is health and
 > life-threatening disease. The permits should never have been
 > granted in the first instance; using this error as an obstacle to
 > doing the right thing is an unthinkable perversion of logic and
 > ethics.
 >
 > Where are the investigative journalists?? Is a systematic
 > application of terror not worth pursuing? Who is responsible? Who
 > is accountable? We will find out.
 >
 > This issue will be pursued. Which side will you be on when it is?
 >
 > Do the right thing and cancel this project now.
 >
 >
 > Daphne Korczak and family
 >
 >
 >
 >
 >
 >
 > From: oneeyeblicking@hotmail.com

>>>>>>>>>>>>>>>

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> photos. The Eastern Power company selected the smallest possible
> venue and tried to turn residents away and we showed up anyhow.
> Good for us! More than 150 angry residents from all different areas
> of Etobicoke and Mississauga pushed their way into the meeting to
> let the elected members know that this will be an election issue.
> Donna Cansfield, MPP and Charles Sousa, MPP were among them and I'm
> sure they're getting the message - the person who stops the
> construction will get my vote. The issue seems to be that there
> will be a cost associated with cancelling the PowerPlant's permits
> and to that I ask: What price should we put on our health, our
> children's health and the well being of the Etobicoke Creek habitat?
> Keep up the pressure. HELP MAKE THIS AN ELECTION ISSUE. Please
> forward the link to the petition to your friends to sign.
>
> <http://www.thepetitionsite.com/1/Stop-the-Queensway-Power-Plant/>
> All the emails you need are on this message if you would like to
> "Reply All" and make your opposition known as well. And here are
> the communications links for the elected Ministers who require
> public pressure to help them oppose the continued construction of
> this dangerously irresponsible project.
>
>
>
> John Wilkinson, Minister of Environment
> <http://www.ene.gov.on.ca/environment/en/main/contacts/minister/index.htm>Brad
> Duguid, Minister of Energy –
> <http://www.mei.gov.on.ca/en/about/index.php?page=contact-information>
>
>
> For those looking for info about the power plant, check out Rogers
> TV's recent program about the issue: <http://goo.gl/7WqN9>
>
> Cheers,
>
> Heather, Derek and baby Kira Emerson
> 18 Fieldstone Rd., M9C 2J6
> 416 621-5107
>
>
>
>
>

Pitkeathly, Doreen (ENERGY)

From: gsgray1@yahoo.ca
Sent: August 2, 2011 3:50 PM
To: Write2us (ENERGY)
Subject: Power Plant in South/East Mississauga

To Brad Duguid

This email is in response to my protest over the building of the Gas-Fired Power Plant on 2315 Loreland Avenue in south/east Mississauga. I am in acknowledgement that the province is in need of power supply, given the recent closing of the coal fired plant in Mississauga. However, with the vast amount of land with sparse population in this province (even north Mississauga) - why would such a plant be even thought about being built in a densely populated surrounding area, plus Canada's largest city (Toronto) down wind when there is too much pollution in the air today ? Count me in, along with several other thousands of people that live in the surrounding area that this is the WRONG location to build such a plant. I look forward to your response to my stated protest...Regards, Gary
from: Gary Gray

DRC-2011-3312

⊖ DRC-RJ

Pitkeathly, Doreen (ENERGY)

From: Duguid_Brad-MPP [bduguid.mpp@liberal.ola.org]
Sent: August 12, 2011 12:23 PM
To: Write2us (ENERGY)
Subject: FW: Nanticoke option

P.L. Frequent writer
 asks if government is
 looking at Nanticoke
 instead of Mississauga
 gas plant location
 S. GTA New
 Supply

From: Irene Wojcik Gabon [mailto:ir37@rogers.com]
Sent: Tuesday, August 09, 2011 11:13 PM
To: Duguid_Brad-MPP
Cc: Charles SOUSA (min); Frank Clegg; Stewart, John
Subject: Nanticoke option

Good evening Minister Duguid

I read an item in the local Mississauga News that you were going to look at Nanticoke and that is reproduced here for your information for verification as I find nothing in my massive records on power generating facilities specifically Oakville and Greenfield South projects, the former is dead, the latter should be but isn't. My records, which are government records and reports and newspaper clippings indicate that Nanticoke was looked at several years ago and it was not a feasible option. For Haldemund County which will soon face hundreds of job losses, due to Bicks pickles and US Steel takeover of Stelco, it would be a great job incentive, create jobs and keep the economy moving. Also Marie Trainer lost the mayoral race in October, 2010.

The favour of a reply is respectfully requested.
 Mrs. Irene Gabon
 1569 Sunnycove Dr.
 Mississauga, ON. L4X1B4
 905 270 3494
 jir37@rogers.com

Jim Tovey, Ward 1 Councillor

- |
- Aug 09, 2011 - 9:21 PM
- |
-

Not accurate

Dear Editor:

Re: "No alternative," letter to the editor, July 29 edition of *The News*.

The writer is not adequately informed on the issue.

He wrote that "Local politicians and the anti-electricity generation seem to be opposed to producing power in any form. They do not however, present any ideas for an alternative." This assertion is not accurate.

The Ontario Power Authority publicly identified the Nanticoke alternative in August of 2007. This option would see two coal generators converted to (gas-fired) units and the power then could be transmitted through an existing corridor to the southwest Greater Toronto Area.

Nanticoke is not densely populated.

Haldimand County Mayor Marie Trainor wants to convert Nanticoke to natural gas. A complete

Nanticoke conversion could provide plenty of electricity for Mississauga.

Energy Minister Brad Duguid says he's looking at (Nanticoke as an) optio

08/12/2011

Pitkeathly, Doreen (ENERGY)

From: daitchkd@hotmail.com
Sent: August 14, 2011 10:34 PM
To: Write2us (ENERGY)
Subject: Proposed Gas Power Plant in Mississauga/Etobicoke

Hello Brad

I am writing on behalf of me and my husband. We live in Applewood Acres and have been for 3 years now. A few of the reasons we moved here were because of the old growth trees, close to transit, nice neighbours, close to the lake, all giving this area the peaceful feel of nature so close to Toronto.

It greatly disappoints us to learn that all this may be tarnished by the proposed plans to build a gas power plant right in our backyard. Can you please raise this concern at your level to ensure this plant does not get built.

I know that no one wants one of these in their backyard, but it seems very short sighted to build the plant this close to old neighbourhoods that are very scarce, and decrease not only their property values, but the value of everything around the plant.

We appreciate any effort you can make to prevent this from happening.

Thank you

from: Kim and Azzam Salti

Pitkeathly, Doreen (ENERGY)

DRC-2011-3354 (C) DRC-RJ

From: Olsheski, Mark (ENERGY)
Sent: August 15, 2011 7:51 PM
To: Write2us (ENERGY)
Subject: Fw: Greenfield South Power Plant
Importance: High

*Pl. Request that
Greenfield South Power
Plant be cancelled.
s. GTA New Supply*

For response pls. MO

From: Duguid_Brad-MPP-CO <bduguid.mpp.co@liberal.ola.org>
To: Olsheski, Mark (ENERGY)
Sent: Mon Aug 15 19:38:26 2011
Subject: FW: Greenfield South Power Plant

FYI.

*Heather Wray, Manager
Constituency Office for*

*Brad Duguid, MPP
Scarborough Centre
416-615-2183*

From: D Santarossa [mailto:den.santa@sympatico.ca]
Sent: August 15, 2011 11:09 AM
To: Duguid_Brad-MPP-CO
Subject: RE: Greenfield South Power Plant
Importance: High

Dear Hon. Doug Duguid,

RE: Greenfield South Power Plant

As a resident of Mississauga who also grew up in the neighbourhood just a few hundred metres north of the Greenfield South Power Plant site, I, along with many, many residents and business personnel in both Mississauga and Etobicoke, am immensely concerned and intensely opposed to the construction of this power plant on the chosen site! The site for this plant, as you are aware, is located in a densely populated area in extremely close proximity to residential neighbourhoods, condominiums, businesses, schools, Trillium Health Centre, a major shopping mall, Etobicoke Creek, etc. I query: Has the Minister ever physically visited the site? The emissions from this plant will compromise the health and threaten the safety of the citizens and natural environments in Mississauga, Etobicoke, and Toronto!

I have been in contact with the City of Mississauga and was informed that this matter must be addressed and stopped at the provincial level given the OMB's decision in the case of Greenfield South vs. Mississauga which ordered the City to issue a building permit to Greenfield. The Minister of the Environment has stated that his ministry will be reviewing the Greenfield South power proposal

08/16/2011

regarding environmental issues and concerns, yet, construction has begun and continues. As per my telephone conversation with Donna Cansfield, MPP, she indicated that she has submitted a request to stop construction of the power plant during the review process. Could you kindly provide the status of this request? Also, as Resolved at a June Council meeting, the City of Mississauga has requested a Full Environmental Assessment to be conducted on the Greenfield South proposal taking into account the cumulative impacts of all emissions on the Etobicoke Lakeview airshed. Could you also kindly provide the status of this request? At the same meeting, the City of Mississauga also resolved to request that the Minister of Energy conduct a full review to determine the necessity of this power plant in a densely populated area as opposed to the Nanticoke alternative where there is a three kilometre buffer zone. Please also provide the status of this request. Given that the Ontario government cancelled the Oakville power plant project stating that the power capacity from this plant was no longer needed, the question remains: Why is the Greenfield South power plant needed?

It is my understanding that the Greenfield South Power Plant can only be cancelled by the Premier and Cabinet at this point. I trust that the health and welfare of the citizens and the natural environment will indisputably take precedence over lower project costs, and that as our elected government official you, along with the Premier and Cabinet, will cancel the Greenfield South Power Plant without further delay.

Sincerely,

Nadia Santarossa
Mississauga Resident

08/16/2011

Gibbs, Diana (ENERGY)

From: Olsheski, Mark (ENERGY)

Sent: August 22, 2011 1:52 PM

To: Write2us (ENERGY)

Subject: Re: Invitation to Mississauga / Etobicoke Community Rally Against Sherway Power Plant - September 15 - 7pm

⊖FYI c: RJ MC-2011-3433
PC: General invitation to community rally against Mississauga gas plant.
s: GTA new supply

That sounds fine.

From: Write2us (ENERGY)

To: Olsheski, Mark (ENERGY)

Sent: Mon Aug 22 13:51:17 2011

Subject: RE: Invitation to Mississauga / Etobicoke Community Rally Against Sherway Power Plant - September 15 - 7pm

In that case, would you object if we FYI'd it and copied it to ESTDP?

From: Olsheski, Mark (ENERGY)

Sent: August 22, 2011 1:50 PM

To: Write2us (ENERGY)

Subject: Re: Invitation to Mississauga / Etobicoke Community Rally Against Sherway Power Plant - September 15 - 7pm

Can process as an invitation - the Minister will not be attending though.

From: Write2us (ENERGY)

To: Duguid_Brad-MPP; Olsheski, Mark (ENERGY)

Sent: Mon Aug 22 13:46:45 2011

Subject: RE: Invitation to Mississauga / Etobicoke Community Rally Against Sherway Power Plant - September 15 - 7pm

Hi Mark.

Do you want this processed as an invitation (i.e., sent for recommendation)?

Thanks,
Diana

Diana Gibbs

Correspondence Writer/Editor
Ministry of Energy and
Ministry of Infrastructure
880 Bay Street
2nd Floor
Toronto ON M7A 2C1
416-327-2485

From: Duguid_Brad-MPP [mailto:bduguid.mpp@liberal.ola.org]

Sent: August 22, 2011 1:23 PM

08/22/2011

To: Olsheski, Mark; Write2us (ENERGY)
Subject: FW: Invitation to Mississauga / Etobicoke Community Rally Against Sherway Power Plant - September 15 - 7pm

?

From: Greg Rohn [mailto:greg@gmdwholesale.com]
Sent: Thursday, August 18, 2011 3:31 PM
To: Duguid_Brad-MPP
Subject: Invitation to Mississauga / Etobicoke Community Rally Against Sherway Power Plant - September 15 - 7pm

August 18, 2011

Mississauga and Etobicoke Residents to Hold Community Rally Against Sherway Power Plant

You are formally invited to attend our meeting on Thursday, September 15 at 7pm. We hope to see you there.

DATE: Thursday, September 15, 2011

LOCATION: Le Treport Convention Centre, 1075 Queensway East (just west of Stanfield Road) in Mississauga

TIME: Program will start at 7:00 p.m. Demonstration outside the Hall from 6:00 p.m.

All local politicians from Mississauga and Etobicoke, the Ministers (Energy, Environment and Health) involved in this project and Premier Dalton McGuinty, are invited to attend. Speakers will include members of CHIP, experts in the field and members of other organizations who have fought similar battles including MIRANET (Mississauga Residents' Associations Network). We hope you will also be able to briefly address the citizens as well. This will be the prime opportunity for concerned residents to get more information and to voice their concerns to those who have the power to stop the construction.

CHIP (Coalition of Homeowners for Intelligent Power) represents over 14,000 homes in East Mississauga and Etobicoke. We have been working for almost 8 years in opposition to the proposed natural gas power plant now under construction by Eastern Power, on Loreland Ave. in Mississauga.

The Sherway power plant is in the wrong location. The Liberal Government recently cancelled another gas plant in Oakville, under heavy pressure from residents. The reasons for the cancellation of the Oakville plant, all hold true in relation to the Sherway plant. It sits adjacent to the Trillium Hospital and Dorothy Ley Hospice, as well as Sherway Gardens, the new condos at Sherway, local schools, businesses and 1000's of residential homes – the closest homes are 100m away! The sensitive Etobicoke Creek watershed and a major rail line are right beside the plant. The plant will also contribute to an already over-taxed air shed which includes other industry, several major highways and is under the airport flight paths. The Lakeview - Etobicoke air shed requires cumulative standards for air emissions – there is no room for a power plant.

For more information please contact **Greg Rohn** – Interim Chair of CHIP @ greg@gmdwholesale.com or by phone 647-388-0562.

Best regards,
Greg Rohn
Interim Chair – CHIP

www.chipcanada.org

www.facebook.com/StopTheSherwayPowerPlant

08/22/2011

Gibbs, Diana (ENERGY)

From: Duguid_Brad-MPP [bduguid.mpp@liberal.ola.org]
Sent: August 22, 2011 1:16 PM
To: Write2us (ENERGY); Olsheski, Mark
Subject: FW: Power Plant Mississauga Toronto

From: Elizabeth Anders [mailto:elizanders2003@yahoo.ca]
Sent: Sunday, August 21, 2011 7:23 PM
To: Duguid_Brad-MPP
Subject: Power Plant Mississauga Toronto

Please use your influence to stop this power plant from being set up in our urban area, or anywhere else. I do not need to convince you of the huge health hazards and medical expences involved, or how a plant like this is absolutely contary to the Ontario Liberal Green Energy Initiative. How did it get even initial approval?

Thank you,

Elizabeth Anders
South Etobicoke

Gibbs, Diana (ENERGY)

8- miss. gas plant - Aug

From: andrei_novak@hotmail.com
Sent: August 23, 2011 9:50 AM
To: Write2us (ENERGY)
Subject: Sherway Power Plant

Dear Mr. Duguid,

I am writing to you in regards to the gas-fired power plant in east Mississauga which is being built across from Sherway Gardens mall. As I strongly believe that this is the wrong project in the wrong place, I would like to express my deep concern about the air we breathe, the danger to our parks, the ecosystems surrounding the area, and most of all the future of our children.

In addition, I am appalled by the manner in which the approval process was handled, short-sightedness of the officials and double standards with which the government is treating its citizens. If Oakville location did not get approved, how is Mississauga location more suitable and safer? If anything, this area is even more densely populated than the rejected Oakville power plant area. Oh, wait a minute maybe its because Oakville has a higher density of CEOs and High Net Worth individuals with deep pockets who got organized and hired fancy lawyers to fight the government???

I want you to stop the Sherway plant now!!!

Andrei Novak.

from: Andrei Novak

Gibbs, Diana (ENERGY)

From: Irene Wojcik Gabon [ir37@rogers.com]
Sent: August 25, 2011 12:48 PM
To: Write2us (ENERGY)
Cc: Irene Gabon
Subject: Re: Conversion of Nanticoke Generating Station units

Add to file
DRC-2011-3312 (2)
Additional incoming

Dear Mr Jenkins,

Your response certainly clarifies some statements made and my queries on the Nanticoke situation and whether or not a conversion to natural gas would be a solution to the energy needed here in the SWGTA. For this time you have spent, I thank you.

Now can you please tell me what is Exhibit "E" ?

Much to learn.

Irene Gabon, Mississauga.

----- Original Message -----

From: Write2us (ENERGY)
To: ir37@rogers.com
Sent: Thursday, August 25, 2011 11:37 AM
Subject: Conversion of Nanticoke Generating Station units

Dear Mrs. Gabon:

Thank you for your email requesting information on the subject of conversion of Nanticoke Generating Station units to fire on natural gas.

Councilor Tovey is correct in that Ontario Power Generation is examining the feasibility of converting two units at Nanticoke to fire on natural gas. The possibility of conversion for system reliability purposes was identified in Ontario's Long Term Energy Plan. No decision has been made to proceed with conversion at this time.

Your information is also correct in that conversion of Nanticoke to natural gas has been previously studied and rejected. Electricity system planning is a continuous process and plans change with time as technologies advance and availability and costs of various forms of generation change.

Natural gas is now available at a much lower cost and future availability is projected to be much greater than before, making conversion somewhat more economical than the previous study indicated.

Having said this, conversion is still a relatively expensive option for other than peak generation purposes, and converted coal units are much less efficient and produce higher emissions than the combined cycle generating stations

The Councilor is not correct in asserting that converting the Nanticoke units is a solution for producing power for the South West GTA. If converted, Nanticoke GS would be run as a peaking plant, to stabilize power in its region of the grid, while minimizing the cost and impacts of the generation. In comparison to the combined cycle generating stations located within the SWGTA, Nanticoke would be too costly and have too high an impact on the

08/25/2011

environment to run to the extent needed to provide reliable power to the SWGTA.

I trust you will find this information helpful, and thank you for writing.

Allan Jenkins
Senior Policy Specialist
Energy Markets

08/25/2011

Pitkeathly, Doreen (ENERGY)

From: purawec4@sympatico.ca
Sent: August 28, 2011 3:20 PM
To: Write2us (ENERGY)
Subject: Proposed gas-fired power plant across from Sherway Gardens

This power plant is planned for the wrong site -- a residential community right next to it, along with a hospital, nursing home and shopping centre nearby. The health of the residents will be at risk. Please stop this proposed power plant.

Anne
from: Anne Purawec

Pitkeathly, Doreen (ENERGY)

From: Duguid_Brad-MPP [bduguid.mpp@liberal.ola.org]
Sent: August 29, 2011 3:08 PM
To: Write2us (ENERGY)
Subject: RE: Invitation to Mississauga / Etobicoke Community Rally Against Sherway Power Plant - September 15 - 7pm

Omit.

*Elizabeth Skubik
Office Manager & Scheduler
Office of the Hon. Brad Duguid
Minister of Energy
tel: 416-327-0356
fax: 416-314-3186*

From: Write2us (ENERGY) [mailto:Write2us@ontario.ca]
Sent: Monday, August 22, 2011 1:47 PM
To: Duguid_Brad-MPP; Olsheski, Mark
Subject: RE: Invitation to Mississauga / Etobicoke Community Rally Against Sherway Power Plant - September 15 - 7pm

Hi Mark.

Do you want this processed as an invitation (i.e., sent for recommendation)?

Thanks,
Diana

Diana Gibbs
Correspondence Writer/Editor
Ministry of Energy and
Ministry of Infrastructure
880 Bay Street
2nd Floor
Toronto ON M7A 2C1
416-327-2485

From: Duguid_Brad-MPP [mailto:bduguid.mpp@liberal.ola.org]
Sent: August 22, 2011 1:23 PM
To: Olsheski, Mark; Write2us (ENERGY)
Subject: FW: Invitation to Mississauga / Etobicoke Community Rally Against Sherway Power Plant - September 15 - 7pm

?

From: Greg Rohn [mailto:greg@gmdwholesale.com]
Sent: Thursday, August 18, 2011 3:31 PM
To: Duguid_Brad-MPP
Subject: Invitation to Mississauga / Etobicoke Community Rally Against Sherway Power Plant - September 15 - 7pm

August 18, 2011

08/29/2011

Mississauga and Etobicoke Residents to Hold Community Rally Against Sherway Power Plant

You are formally invited to attend our meeting on Thursday, September 15 at 7pm. We hope to see you there.

DATE: Thursday, September 15, 2011

LOCATION: Le Treport Convention Centre, 1075 Queensway East (just west of Stanfield Road) in Mississauga

TIME: Program will start at **7:00 p.m.** Demonstration outside the Hall from **6:00 p.m.**

All local politicians from Mississauga and Etobicoke, the Ministers (Energy, Environment and Health) involved in this project and Premier Dalton McGuinty, are invited to attend. Speakers will include members of CHIP, experts in the field and members of other organizations who have fought similar battles including MIRANET (Mississauga Residents' Associations Network). We hope you will also be able to briefly address the citizens as well. This will be the prime opportunity for concerned residents to get more information and to voice their concerns to those who have the power to stop the construction.

CHIP (Coalition of Homeowners for Intelligent Power) represents over 14,000 homes in East Mississauga and Etobicoke. We have been working for almost 8 years in opposition to the proposed natural gas power plant now under construction by Eastern Power, on Loreland Ave. in Mississauga.

The Sherway power plant is in the wrong location. The Liberal Government recently cancelled another gas plant in Oakville, under heavy pressure from residents. The reasons for the cancellation of the Oakville plant, all hold true in relation to the Sherway plant. It sits adjacent to the Trillium Hospital and Dorothy Ley Hospice, as well as Sherway Gardens, the new condos at Sherway, local schools, businesses and 1000's of residential homes – the closest homes are 100m away! The sensitive Etobicoke Creek watershed and a major rail line are right beside the plant. The plant will also contribute to an already over-taxed air shed which includes other industry, several major highways and is under the airport flight paths. The Lakeview - Etobicoke air shed requires cumulative standards for air emissions – there is no room for a power plant.

For more information please contact **Greg Rohn** – Interim Chair of CHIP @ greg@gmdwholesale.com or by phone 647-388-0562.

Best regards,
Greg Rohn
Interim Chair – CHIP

www.chipcanada.org

www.facebook.com/StopTheSherwayPowerPlant

Pitkeathly, Doreen (ENERGY)

From: jon.ottewell@gmail.com
Sent: August 31, 2011 7:45 PM
To: Write2us (ENERGY)
Subject: Proposed Gas-fired Power Plant

Dear Brad Duguid,

I'd like to take this opportunity to discuss your position on the proposed location of the gas-fired power plant across from Sherway Gardens in South Etobicoke. Although the plant's proposed location is just within the border of Mississauga, the emissions from this plant will fall directly on the neighboring residential community of Etobicoke.

With the proposed site within such close proximity to so many young families, including so many vulnerable citizens at the nearby nursing home and Queensway Hospital, this site choice seems particularly ill-conceived for the choice of a gas / oil fired power plant and completely at odds with the Ontario Government's commitment to green energy.

In my opinion, stopping this environmental atrocity is the most pressing issue facing your Ministry. I hope you will take the necessary steps to ensure that the current generation and future generations will be able to live and breathe in the vibrant community we call home.

Sincerely,
Jonathan Ottewell
from: Jonathan Ottewell

Pitkeathly, Doreen (ENERGY)

Sent: September 1, 2011 10:08 AM
To: Write2us (ENERGY)
Subject: [Possible SPAM]:Loreland Ave. Power plant

It appears that you're building a Power plant in the middle of Etobicoke/Mississauga residential areas. Not a good thing whot? Power plant should be built near Lakeview coal generating plant, since power lines are there already and other infrastucture, once coal fired plant is shot down, what do you think?

Thank you

Branko Mikan

3225 Gatliff Ave.

Mississauga, Ont

L4X 2L3

from: Branko Mikan

Pitkeathly, Doreen (ENERGY)

From: rjsteele51@hotmail.com
Sent: September 12, 2011 8:58 AM
To: Write2us (ENERGY)
Subject: Stop the Queensway Power Plant

Stop the Queensway Power Plant. This should never have been approved with homes so close to the approved site. I have two young children and am very concerned about air quality if this plant becomes operational. Do the right thing and consistent with the decision in Oakville

from: Richard Steele

Pitkeathly, Doreen (ENERGY)

From: monteiriomedia@rogers.com
Sent: September 14, 2011 11:04 PM
To: Write2us (ENERGY)
Subject: STOP THE SHERWAY POWER PLANT!

STOP THE SHERWAY POWER PLANT!

I refuse to accept this. It is unsafe to my health and to my senior parents. How dare you let this be built next to homes, condos, schools, a hospital, a hospice, a major rail line, the Etobicoke Creek.

This is simply the wrong location.

What are you doing to stop this?

I want to hear from you!

You are accountable!
from: Lori

Pitkeathly, Doreen (ENERGY)

From: dnaford@rogers.com
Sent: September 15, 2011 11:35 PM
To: Write2us (ENERGY)
Subject: Greenfield South power plant

Dear Sir

I just attended a rally to appose the Greenfield South power plant which has started construction in Mississauga.

We hear many speakers take the floor. This is a bad move by the Government to put a power plant in a residential area. Laurel Broten, MPP of Etobicoke South did speak at the meeting and she said that she had made a request that your department do an environmental assessment on the site. Common sense should tell you that the site is a bad location for a power plant. Save tax payers money and stop this plant

from: Andrew Ford

Pitkeathly, Doreen (ENERGY)

From: quyen.do@gmail.com
Sent: September 16, 2011 10:52 AM
To: Write2us (ENERGY)
Subject: Stop The Sherway Power Plant

Dear Minister,

This Gas Fired Power Plant would further pollute the air in an environment with an already over-stressed air quality in Toronto/Mississauga. The proposed site is environmentally unsound as this site would cause, among other pollutants, carcinogens to fall on:

- Trillium Hospital, Dorothy Ley Hospice
- The Sherway Gardens Shopping Mall
- Condos at One Sherway, Summerville Pines Seniors Housing
- Thousands of homes and parks in Eastern Mississauga and the whole city of Toronto
- The Ecologically Sensitive Etobicoke Creek Valley

Opponents include Toronto's Medical Officer of Health, The Coalition of Homeowners for Intelligent Power, the City of Mississauga, and many more residents.

We are calling for an immediate stop to the construction of this power plant at this location! Please act now.

Thanks for serving Ontario.

Yours truly,

Quyen Do and family
from: Quyen Do

Pitkeathly, Doreen (ENERGY)

From: Duguid_Brad-MPP-CO [bduguid.mpp.co@liberal.ola.org]
Sent: September 16, 2011 12:17 PM
To: Write2us (ENERGY)
Subject: FW: "No" to the Sherway Power Plant
Importance: High

Monica Annand, Constituency Assistant
 for Brad Duguid MPP
 Scarborough Centre
 1450 Midland Ave Suite 204
 416-615-2183

From: Simon Chan [mailto:simon.chan@paradigmquest.com]
Sent: Friday, September 16, 2011 12:17 PM
To: Duguid_Brad-MPP-CO; write2us@energy.gov.on.ca; Wilkinson_John-MPP-CO; j.wilkinson@ontario.ca; McGuinty_Dalton-MPP-CO; Cansfield_Donna-MPP-CO; Cansfield_Donna-MPP-CO; Broten_Laurel-MPP-CO
Subject: "No" to the Sherway Power Plant
Importance: High

Hi,

As a long time South Etobicoke resident, I'm very concerned about the future impact of the Sherway/Mississauga Power Plant on the environment, economy, and health of those in the surrounding area. Many notable doctors have voiced their concerns for the poor air quality in the already taxed air shed within this area of the Greater Toronto Area. The future health of our elderly and the next generation of kids with respiratory problems will continue to increase and the cost to our healthcare system will also continue to grow as a result.

The stacks from the plant will blow directly downwind into the One Sherway condominiums, which means hundreds of residents will no longer be able to use their balcony's due to the poorer air quality. The impact on the four towers, totaling over 1000 homes and a few thousand residents will be astronomical both financially and health-wise. The future of Sherway Gardens mall, the farmer's market, and many small businesses in the gentrifying Queensway Avenue could see a significant downturn in business if customers prefer to stay away from the more polluted areas around the power plant. Any expansion by Sherway Gardens to include outdoor patio/seating would also be scuttled if this plant continues to proceed. As you can see the negative economic impact on the area will suffer as result, not to even mention the decrease of property values in most of South Etobicoke which also means that residents will eventually cutback on their consumption as well.

We should all understand that since the permit was issued in 2005, the area has gone through tremendous change in the last 5 years to grow into a more urban and dense area than before. There is a sensitive Etobicoke creek, major railway lines, a large mall, four condo towers, schools, and residential houses within a kilometer of this power plant. Not only is there Trillium hospital directly across the street but also a Hopsice has been put in place as well for already weakened loved ones going through their final stages of life. If last night's rally was any indication, many residents are very frustrated and angry with the lack of response from our elected officials. This plant is simply in the wrong location and needs to be stopped as soon as possible.

09/16/2011

Thanks,

Simon Chan | Finance | Paradigm Quest Inc.

📍 390 Bay Street | Suite 500 | Toronto, ON | M5H 2Y2

☎ 416-366-8606 Ext. 2307 | Fax 416-366-8607

✉ simon.chan@paradigmquest.com

..... Inspiring change

This email and all attachments transmitted with it are intended solely for the use of the addressee and may contain legally privileged and confidential information. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this message or its attachments is strictly prohibited. If you have received this message in error, please notify the sender immediately by replying to this message and please delete it from your computer.

Pitkeathly, Doreen (ENERGY)

From: rainstorm077@hotmail.com
Sent: September 16, 2011 9:35 AM
To: Write2us (ENERGY)
Subject: STOP THE SHERWAY POWER PLANT!

<http://www.mississauga.com/news/article/1083349--power-plant-fight-wages-on>
from: Lori

Pitkeathly, Doreen (ENERGY)

From: pappot1@gmail.com
Sent: September 18, 2011 9:20 PM
To: Write2us (ENERGY)
Subject: Sherway Power Plant hazard

Please STOP the Sherway Power plant. We are a young family in this community and the idea of having a power plant emitting pollution and making our airshed toxic is frightening. We need to ensure that we do all we can to create a future for our kids that still has hope. This power plant is simply being built in the wrong location, what kind of world do we live in when we now have to build power plants 100 meters from the closest home? We want to create green communities and this power plant cannot be part of that plan. We have been telling everyone we know to step up and take a stand on this issue and they are. We will not stop spreading the news that the power plant is in the wrong place and we will stand strong to ensure that this plant is stopped.

PLEASE STOP THE SHERWAY POWER PLANT- NOTHING ELSE MATTERS TO US NOW- THIS IS A KEY ISSUE IN THIS ELECTION- MAKE YOUR CONSTITUENTS HAPPY AND STOP THE POWER PLANT
from: Fatima De Sousa

Pitkeathly, Doreen (ENERGY)

From: fatima.formariz@gmail.com
Sent: September 20, 2011 2:52 PM
To: Write2us (ENERGY)
Subject: Sherway Power Plant

As a Markland Wood resident in Central Etobicoke, I am extremely concerned with the continued construction of the Sherway Power Plant and the lack of attention given to addressing concerns around the issues that have been continuously expressed by the community. I am looking towards those who continue to "represent" these communities to make a strong commitment to solve this matter. It is not too late to reverse this short-sighted decision to allow Eastern to build a gas powered plant in an area that already has one of the poorest air quality in the GTA.

Isn't it time that our elected officials look beyond the usual three year plan and implement a course of action that will put us on the road to developing viable alternate sources of energy that do not risk human health and the health of our planet. My vote will not be going to the candidate who echos the latest flavour of the month cause but one with substance, a track record for putting in practice what they say and one who is looking towards the future not just the immediated electoral term.

I beleive there are many Canadians who think as I do. Many Canadian who are fed up with the subterfuges of our elected officials who speak in eight second sound bites and say nothing of substance. Don't tell me what you think I want to hear, and then assure me that you are listening to the people. Credit me with greater intelligence please!

My candidate will have the strength to lead by their convictions, have the vision to create and envision a better community, have the empathy to understand the human condition that we share and the courage to protect what needs to be protected.

I'm still looking.....

from: Fatima Formariz

Renwick, Meredith (ENERGY)

From: dsnm2@rogers.com
Sent: September 20, 2011 10:02 PM
To: Write2us (ENERGY)
Subject: Stop the Sherway Gas Fired Power Plant

121-3685
FYI (⊖)
PC - citizen opposed
to Mississauga
gas power plant
S - GTA New Supply

I am writing to you today to express my strong support to stop the proposed Sherway Gas Fired Power Plant. I believe this is the wrong project in the wrong place. This location is far too close to residential homes, hospitals, nursing homes. etc. I believe this plant is hazardous to my family's health and a substantial risk to the already compromised sensitive air shed of the area.

Needless to say a full environmental assessment will prove that the decision to move forward with this power plant in this location would be a grave decision.

The Liberal party can not count on my support in the upcoming election without confirmation that this project will be cancelled. Our Conservative candidate has confirmed that, if elected, she would cancel the project. As your leader has already said "there is never a wrong time to make the right decision" I want to know when the right decision will be made.

from: Sandy Schroder

Renwick, Meredith (ENERGY)

From: jsweeney2@hotmail.com
Sent: September 21, 2011 2:35 PM
To: Write2us (ENERGY)
Subject: Greenfield South Power Plant Mississauga

FYI @
PC - comments on
location of
Mississauga gas-
fired power plant
S-GTA New
Supply

I am enquiring about the above mentioned Plant and what the Liberal Government plans to do about its location. There is another Certificate of Approval being discussed at the moment, what is your opinion on this unsatisfactory site. As the Election is close at hand, the community in the area would like to know the Governments decision before the Election. Thi site is in the wrong area close to homes, schools, Hospital, and Continuing Care Centre. Regards John Sweeney.

from: John Sweeney

Pitkeathly, Doreen (ENERGY)

From: Duguid_Brad-MPP-CO [bduguid.mpp.co@liberal.ola.org]
Sent: September 21, 2011 5:46 PM
To: Write2us (ENERGY)
Subject: FW: NO to the Sherway Power Plant

Monica Annand, Constituency Assistant
for Brad Duguid MPP
Scarborough Centre
1450 Midland Ave Suite 204
416-615-2183

From: SUSAN FERRACUTI [mailto:sferracuti@rogers.com]
Sent: Wednesday, September 21, 2011 5:35 PM
To: Duguid_Brad-MPP-CO; write2us@energy.gov.on.ca; Wilkinson_John-MPP-CO; j.wilkinson@ontario.ca; john.wilkinson@ontario.ca; McGuinty_Dalton-MPP-CO
Subject: NO to the Sherway Power Plant

We strongly urge you to **NOT** to build the power plant in Etobicoke. It is too close to homes, hospitals, malls and the Etobicoke Creek.

John and Susan Ferracuti

Pitkeathly, Doreen (ENERGY)

From: jsweeney2@hotmail.com
Sent: September 21, 2011 2:37 PM
To: Write2us (ENERGY)
Subject: [Possible SPAM]:Greenfield South Power Plant Mississauga

I am enquiring about the above mentioned Plant and what the Liberal Government plans to do about its location. There is another Certificate of Approval being discussed at the moment, what is your opinion on this unsatisfactory site. As the Election is close at hand, the community in the area would like to know the Governments decision before the Election. Thi site is in the wrong area close to homes,schools,Hospital,and Continuing Care Centre. Regards John Sweeney.

from: John Sweeney

Pitkeathly, Doreen (ENERGY)

From: guitarman5000@hotmail.com
Sent: September 22, 2011 4:36 PM
To: Write2us (ENERGY)
Subject: Proposed Gas-Fired Power Plant accross from Sherway Gardens

Mr.Duguid,

I think it is your responsibility to ensure that this proposed gas-fired power plant in the Sherway Gardens area not be built. It is a heavily populated area and the health risks to the citizens living and working in the area are far to great. This type of plant is extremely dangerous and I'm sure you would not want this in your neighbourhood.

Sincerely,

Grant Ruffle

from: Grant Ruffle

Pitkeathly, Doreen (ENERGY)

Sent: September 22, 2011 4:34 PM
To: Write2us (ENERGY)
Subject: [Possible SPAM]:Proposed Gas-Fired Power Plant accross from Sherway Gardens

Mr.Duguid,

I think it is your responsibility to ensure that this proposed gas-fired power plant in the Sherway Gardens area not be built. It is a heavily populated area and the health risks to the citizens living and working in the area are far to great. This type of plant is extremely dangerous and I'm sure you would not want this in your neighbourhood.

Sincerely,

Grant Ruffle

from: Grant Ruffle

Pitkeathly, Doreen (ENERGY)

From: Duguid_Brad-MPP [bduguid.mpp@liberal.ola.org]
Sent: September 24, 2011 5:09 PM
To: Write2us (ENERGY)
Subject: FW: South Greenfield Power Plant

From: Heather W [mailto:hlynnw@gmail.com]
Sent: Monday, September 19, 2011 8:18 PM
To: councillor_milczyn@toronto.ca; mayor@mississauga.ca; Cansfield_Donna-MPP; McGuinty_Dalton-MPP-CO; Broten_Laurel-MPP-CO; Wilkinson_John-MPP-CO; Sousa_Charles-MPP; Duguid_Brad-MPP; mayor_ford@toronto.ca
Subject: South Greenfield Power Plant

I am extremely concerned that construction of the Greenfield South power plant in the City of Mississauga is ongoing.

As I am sure you are aware, the site backs onto the Etobicoke Creek, a hospital, residential areas, and new condominiums that were not taken into consideration in the initial approvals of the project. I greatly appreciate that Minister John Wilkinson has decided to review the MOE's decision to review the approval for the plant. I understand that MOE issued a certificate of approval in 2008, but with the changes in the provincial energy picture and the surrounding land use changes, the project needs to be called into question. The initial approvals were granted when local, gas-fired powered generation was seen to be the right solution, but seemingly the picture has changed given the recent decision in Oakville. I think it's important for residents to know whether this is the right source of energy, if needed at all, and whether our airshed in the western and downtown portions of Toronto is any less sensitive than that in Oakville.

Simply stated, the plant seems unnecessary and potentially dangerous to public health and safety, it is too close to residential and environmental areas, and will have detrimental cumulative impacts on the airshed. Just like the Oakville plant, the Greenfield South Power Plant needs to be axed by Minister John Wilkinson and Premier Dalton McGuinty.

Please advise as to the status of the review of the Certificate of Approval and when the public can expect to see a decision on that review.

Thank you,
Heather



Dufferin-Peel Catholic District School Board

40 Matheson Boulevard West, Mississauga, Ontario L5R 1C5 • Tel: (905) 890-1221 • Fax: (905) 890-7610

September 19, 2011

The Honourable Leona Dombrowsky
Minister of Education
2nd Floor, 880 Bay Street
Toronto, ON M7A 1N3

The Honourable Brad Duguid
Ministry of Energy
900 Bay Street, 4th Floor
Hearst Block
Toronto ON M7A 2E1

The Honourable John Wilkinson
Minister of the Environment
77 Wellesley Street West
11th Floor, Ferguson Block
Toronto ON M7A 2T5

Dear Ministers Dombrowsky, Duguid and Wilkinson:

**Re: Greenfield South Power Project
City of Mississauga**

The Dufferin-Peel Catholic District School Board wishes to express concern regarding the construction of the Greenfield South Power Plant, located in east Mississauga. As you are aware, there has been substantial concern expressed in the community regarding the installation of this plant, and its close proximity to residential areas in this part of Mississauga.

The Board has five elementary schools located within 3 kilometres of the site: St. Alfred Elementary, St. Edmund Elementary, St. Sofia Elementary, St. Thomas More and Blessed Teresa of Calcutta Elementary Schools. There are approximately 2125 elementary students, as well as staff at these schools.

The Board is concerned with the construction of the Greenfield South Power Corporation in this proximity to the residential areas and educational facilities. There are concerns with the air quality in this part of Mississauga and the impact of plant emissions on the air quality.

We appreciate your support in the protection of Dufferin-Peel students and staff.

Yours truly,

Anna Abbruscato
Chair of the Board

- c. Trustees
MPP Elect, Mississauga East-Cooksville
Jim Tovey, Councillor, City of Mississauga, Ward 1
Chris Fonseca, Councillor, City of Mississauga, Ward 3
Charles Sousa, MPP, Mississauga South
John B. Kostoff, Director of Education, DPCDSB

MC-2011-3742

⊖ 141 C: MO
RJ

PL. Dufferin-Peel Catholic
District School Board writes
to Ministers of Energy, Education
and Environment about
concerns about Mississauga
gas plant.
S: GTA New Supply



DRC-2011-3813

Pitkeathly, Doreen (ENERGY)

⊖ DRC-RS

From: amyo.chan@cibc.ca
Sent: October 12, 2011 11:01 AM
To: Write2us (ENERGY)
Subject: Mississauga Power Plant

PC Asks for confirmation
That Mississauga gas plant
has been cancelled
S: GTA Newsupply

Hello,

Can you confirm that the Eastern Power plant has been cancelled (as part of Prem. McGuinty's election promise)?

Please advise by Thurs. Oct 13.

Thanks,

Amy

from: Amy

MC-2011-3895

INFORMATION COPY

October 17, 2011

Mr. Allan Nice
22 Strathmanor Drive
Bowmanville, Ontario
L1C 4L3

⊖ FYI c: RJ
PC: Premier forwards, for
information, suggestion
to locate gas plant in
Wesleyville.
S: GTA new supply

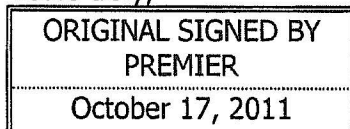
Dear Mr. Nice:

Thank you very much for your kind congratulations and for taking the time to share your thoughts on provincial energy policy. I welcome every opportunity to hear what Ontarians have to say about the issues that matter most to them — and about their vision for our great province. I have taken the liberty of providing the Minister of Energy with a copy of your message so that the minister, too, is aware of your suggestion.

It is an honour to once again be chosen Premier of Ontario. As our government enters its third term of office, my colleagues and I look forward to working on behalf of all our citizens — with renewed energy and determination — to make sure that Ontario remains at the forefront of opportunity. I can assure you that we will continue to listen actively to the views and concerns of Ontarians, and to deliver the strong, stable government they deserve. By continuing to work together, I am confident we can build an even brighter future for our province and ensure its long-term success.

Again, thank you for contacting me and for your suggestion. Please accept my best wishes.

Yours truly,



Dalton McGuinty
Premier

c: Minister of Energy



7

feedbackid = 221166
sendto = CSU <incomingcsu@cab.gov.on.ca>
sendfrom = dmcquinty@premier.gov.on.ca
sendreply =
senderip = 99.246.194.62
senddate = 10/07/2011
preferredlanguage = English
requesturl =
<https://correspondence.premier.gov.on.ca/en/feedback/submitAddress.aspx?FeedbackID=221166&SID=-2110731852>
senderPreFix = Mr.
sendername = Mr. allan nice
senderFirstName = allan
senderLastName = nice
senderaddress = 22 strathmanor dr.
sendercity = bowmanville
senderpostalcode = L1C 4L3
senderprovince = Ontario
senderemail =
sendermessage = heloo mr. mcquinty;

let me first congradulate you on your victory. living here in durham east and knowing john o'toole very well over the years through work at general motors I obviously voted for him.

I would like to suggest to you an idea I have. down the road from us in the town of wellseyville on the shores of lake ontario sets a vacant never finished hydro plant that was to be a natural gas generating station. it was never completed but the grid, towers, lines and site were.

I think this would be a great place to relocate the problem of building in oakville and mississauga to this site at a much reduced cost. those people would be happy and it wouldn't upset anybody in this area since the site has already been choosen. also it would take the pressure off you of dealing with the expansion of the nuclear plant at darlington at amuch cheaper cost and a whole lot of less headaches that are going to come up in the near future. curently the people are seeking a court order to delay or stop the expansion plans here in darlington.

I see this as a win win situation for you and a very smart idea something your party could use right now in the light of contoversy in the hydro industry. anyway thank you for letting me express my ideas and I wish you and your party sucess in the future.

thank you
al nice

lastmodifieddate =

MC-2011-3933

Pitkeathly, Doreen (ENERGY)

From: Smith, Margaret (CAB)
Sent: October 21, 2011 11:49 AM
To: Longkines, Minda (ENERGY); Lindsay, Ken (ENERGY); Pitkeathly, Doreen (ENERGY)
Subject: CSU 1001831 - FYI
Attachments: 1-20005319-INCOMING_RUSH.tif; Document2.doc

⊖ FYI C: RJ
R. Premier forwards ^{hard} copy
resolution sent by to MU
Mississauga Mayor
Hazel McCallion request-
ing govt take immed-
iate action to cancel
Mississauga gas plant.
S: GTA New Supply

10/21/2011

INFORMATION COPY

October 21, 2011

Her Worship Hazel McCallion, CM, LL D
Mayor
City of Mississauga
300 City Centre Drive
Mississauga, Ontario
L5B 3C1

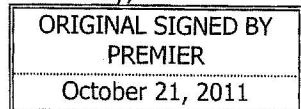
Dear Mayor McCallion:

Thank you for your letter of October 13 providing me with a copy of council's resolution regarding the Loreland Eastern Power Plant. The views of our municipal leaders are very important to me and I appreciate your keeping me informed of council's activities.

As this issue falls under the jurisdiction of the Honourable Chris Bentley, Minister of Energy, I have sent him a copy of council's resolution. I trust that the minister will also take council's views into consideration.

Thank you again for writing. Please accept my best wishes.

Yours truly,



Dalton McGuinty
Premier

c: The Honourable Chris Bentley



OFFICE OF THE MAYOR

October 13, 2011

The Honourable Dalton McGuinty
Premier of Ontario
Legislative Building
Queen's Park
Toronto, Ontario
M7A 1A1

Dear Mr Premier

Re Loreland Eastern Power Plant

The Council of the Corporation of the City of Mississauga at its meeting on October 12, 2011 adopted the enclosed Resolution 00240-2011 with respect to the Loreland Eastern Power Plant

On behalf of the Members of Council, I urge you to take immediate action on your election promise to the residents of our City

Sincerely,

HAZEL McCALLION, C.M., LL.D.
MAYOR

cc Mississauga MPPs
Southwest Etobicoke MPPs

Enc



THE CORPORATION OF THE CITY OF MISSISSAUGA
300 CITY CENTRE DRIVE, MISSISSAUGA, ON L5B 3C1
TEL 905-896-5555 FAX 905-896-5879
mayor@mississauga.ca



**RESOLUTION 0240-2011
adopted by the Council of
The Corporation of the City of Mississauga
at its meeting on October 12, 2011**

Moved by Jim Tovey

Seconded by Chris Fonseca

That the Council of The Corporation of the City of Mississauga request the Premier of Ontario to take immediate action to fulfill their election promise and cancel the contract for the Loreland Eastern Power Plant, and

That as part of the cancellation of the project, the necessary actions be taken to halt construction and return the site to its pre-construction condition, and

That this request be forwarded to the Premier of Ontario and all Mississauga and southwest Etobicoke MPPs

Pitkeathly, Doreen (ENERGY)

DRC-2011-3943

⊖ DRC-RT

From: Irene Wojcik Gabon [ir37@rogers.com]
Sent: October 24, 2011 5:31 PM
To: Write2us (ENERGY); Hazel McCallion
Subject: Fw: [Bulk] Google Alert - Power Plants in Mississauga

P. Asks if Mississauga
gas plant has been
cancelled

S: GTA New Supply

Cancelled? Stop? ? Discuss? Move Is this another 360 by Dalton McGuinty? IAG.

----- Original Message -----

From: Google Alerts
To: ir37@rogers.com
Sent: Monday, October 24, 2011 3:46 PM
Subject: [Bulk] Google Alert - Power Plants in Mississauga

News

1 new result for **Power Plants in Mississauga**

Full steam ahead at 'cancelled' Mississauga gas plant

Toronto Star

A massive generator enroute today to the **Mississauga Power Plant** that Premier Dalton McGuinty promised to cancel during the recent provincial election ...

Tip: Use site restrict in your query to search within a site (site:nytimes.com or site:.edu). Learn more.

[Delete this alert.](#)

[Create another alert.](#)

[Manage your alerts.](#)

10/25/2011

Pitkeathly, Doreen (ENERGY)

From: yakuptec@hotmail.com
Sent: October 25, 2011 1:25 PM
To: Write2us (ENERGY)
Subject: Mississauga POWER PLANT

⊖ DRC-2011-3938
DRC-RJ
Pl. Ask why Mississauga
gas plant hasn't been
Cancelled.
S. GTA New Supply

To: Minister of Energy Chris Bentley

Why have you not pulled the plug on the MISSISSAUGA POWER PLANT?

We voted for the liberals for this reason?

Please advise when you will officially pull the plug on this location?

Thank You
Yakup Tecimer
from: Yakup Tecimer

Pitkeathly, Doreen (ENERGY)

From: rainstorm077@hotmail.com
Sent: October 25, 2011 3:22 PM
To: Write2us (ENERGY)
Subject: What is going on with the Power Plant?

DRC-2011-3973
DRC (RJ)
PC: Asks why Mississauga
gas plant construction hasn't been stopped.
S: GTA new supply

I am very concerned to see that the Mississauga Power Plant is still underway as reported by the National Post yesterday.

See: <http://news.nationalpost.com/2011/10/24/construction-continues-at-mississauga-power-plant/>

Clearly the Liberals are looking like liars with this being the first and most public broken promise. I along with my friends and family voted Liberals specifically because of this Liberal campaign promise. I've driven by the plant and I still see that construction is moving ahead quickly which is extremely disturbing. Let it be known that "we the public" are outraged! The Liberals PROMISED to cancel the plant. With each day that passes we are losing yet more money and YOU and the Liberals are losing credibility fast. Why have the Liberals not issued a statement as to what is happening? Why has a stop-work order not been issued? Make no mistake we will not sit quietly on this until action is taken place fast and the plant is cancelled.

As a resident of the area, my neighbours and I have recently checked the Chip website <http://www.chipcanada.org/?q=node/39> and we can see that the status is still the same. No one is speaking up! I myself can attest that before elections it seemed everyone was talking my calls and returning my emails (including your office), but now that the Liberals have been sworn no one is accountable and no one is making this a priority. Why do YOU not care about this issue?

We wanted ANSWERS!
We want this to end NOW!
We want to hear from YOU!

Rain
from: Rain

DRC-2011-3974

⊖ DRC (RJ)

Pitkeathly, Doreen (ENERGY)

From: cmoore148@cogeco.ca
Sent: October 26, 2011 8:35 AM
To: Write2us (ENERGY)
Subject: Gas powered plants

PC: Citizen asks about costs
of decisions re: Oakville and
Mississauga gas plants.
S: GTA New Supply

Dear Mr. Bentley,

Although I recognize your short time in office, your Government has been in power for the past eight years and as such, should be able to provide the information I'm requesting regardless of your short tenure. I'm copying you on a letter sent to my local representative, Kevin Flynn, and Premier McGuinty.

Dear Mr. Flynn,

I'm wondering if you might shed some light on an issue that's been bothering me for quite some time, and, thanks to a recent article in the National Post (Oct 24th), has reignited my desire to finally get some clarity on the issue. I'm referring to the Gas powered plants both in Mississauga, and in Oakville. I have yet to see any hard numbers from your Government on the cost of stopping the Oakville plant and now I read that the Mississauga plant continues to forge ahead despite the Premiers' election promise to relocate. Not being one to rely on media for the hard facts, I thought I would give you the opportunity to provide some answers regarding a) the cost of stopping the Oakville plant and b) the current total cost in production at the Mississauga plant and if it is to be relocated, the cost of moving the plant.

I trust that you won't respond with the all too typical...."we don't have the numbers yet but we're working on them". After all, any properly run business is well aware of the costs incurred when engaging in a mega-project of this nature and if not, will surely pay the price. My fear is that your Governments continued "we don't have the costs yet" response can likely be translated in to a massive over expenditure on two failed projects.

Mr. Flynn, I implore you to dig deep and respond with the truth about the actual costs involved in these two gas powered plants.

Thank you,
Russ Moore

from: Russ Moore

Pitkeathly, Doreen (ENERGY)

From: Bentley_Chris-MPP-CO [cbentley.mpp.co@liberal.ola.org]
Sent: November 1, 2011 11:37 AM
To: Write2us (ENERGY)
Subject: FW: Who is in charge Mr. Bentley?

Joyce Kmith
Constituency Assistant
Chris Bentley, MPP
11 Baseline Road East, Unit 8
London, ON N6C 5Z8
T - (519)657-3120 F - (519)657-0368

From: Rain Storm [mailto:rainstorm077@hotmail.com]
Sent: October 25, 2011 3:18 PM
To: Bentley_Chris-MPP-CO
Subject: Who is in charge Mr. Bentley?

Dear Chris Bentley,

I am very concerned to see that the Mississauga Power Plant is still underway as reported by the National Post yesterday.

See: <http://news.nationalpost.com/2011/10/24/construction-continues-at-mississauga-power-plant/>

Clearly the Liberals are looking like liars with this being the first and most public broken promise. I along with my friends and family voted Liberals specifically because of this Liberal campaign promise. I've driven by the plant and I still see that construction is moving ahead quickly which is extremely disturbing. Let it be known that "we the public" are outraged! The Liberals PROMISED to cancel the plant. With each day that passes we are losing yet more money and YOU and the Liberals are losing credibility fast. Why have the Liberals not issued a statement as to what is happening? Why has a stop-work order not been issued? Make no mistake we will not sit quietly on this until action is taken place fast and the plant is cancelled.

As a resident of the area, my neighbours and I have recently checked the Chip website <http://www.chipcanada.org/?q=node/39> and we can see that the status is still the same. No one is speaking up! I myself can attest that before elections it seemed everyone was talking my calls and returning my emails (including your office), but now that the YOU and the Liberals have been sworn no one is accountable and no one is making this a priority. Why do YOU not care about this issue?

We wanted ANSWERS!
We want this to end NOW!
We want to hear from YOU!

Rain

11/01/2011

Pitkeathly, Doreen (ENERGY)

From: Bentley_Chris-MPP-CO [cbentley.mpp.co@liberal.ola.org]

Sent: November 1, 2011 11:28 AM

To: Write2us (ENERGY)

Subject: FW: Greenfield South Power Plant

Joyce Kmith
Constituency Assistant
Chris Bentley, MPP
11 Baseline Road East, Unit 8
London, ON N6C 5Z8
T - (519)657-3120 F - (519)657-0368

From: john sweeney [mailto:jsweeney2@hotmail.com]

Sent: October 28, 2011 9:07 AM

To: Sousa_Charles-MPP-CO; Broten_Laurel-MPP-CO; Cansfield_Donna-MPP-CO; Bentley_Chris-MPP-CO; Bradley_James-MPP-CO

Subject: Greenfield South Power Plant

When will the Premier stop this Plant ?. You asked for our vote, and we delivered in getting the Liberals elected. Now its time for the Premier to keep his promise. As a community we are constantly seeing this Plant moving forward at full speed ahead, and the Premier keeping quiet about it. The Cabinet has been formed for the past few weeks, and no action has taken place that has given the community any faith in the promises that were made. Forget about moving the Plant somewhere else and the discussion's with Eastern Power, let's move forward and STOP THE WORK ON THIS PLANT NOW.

John Sweeney.

Pitkeathly, Doreen (ENERGY)

From: Bentley_Chris-MPP-CO [cbentley.mpp.co@liberal.ola.org]
Sent: November 1, 2011 11:26 AM
To: Write2us (ENERGY)
Subject: FW: Greenfield South Power

Joyce Kmith
Constituency Assistant
Chris Bentley, MPP
11 Baseline Road East, Unit 8
London, ON N6C 5Z8
T - (519)657-3120 F - (519)657-0368

From: Neil Flanagan [mailto:nflanagan@prospectech.com]
Sent: October 31, 2011 11:26 AM
To: Bentley_Chris-MPP
Subject: Greenfield South Power

Chris,

Can you please advise the status of the proposed power plant project at 1796 Mattawa Ave in Mississauga.

We have recently received equipment orders from Greenfield South Power Corporation and as reported recently in the news we understand this project may be cancelled.

Thanks

Neil Flanagan
ProSpec Technologies Inc
Ph. 905-632-5960
Fx. 905-632-9990
nflanagan@prospectech.com
www.prospectech.com

Pitkeathly, Doreen (ENERGY)

From: Rain Storm [rainstorm077@hotmail.com]
Sent: November 2, 2011 2:43 PM
To: Write2us (ENERGY)
Subject: FW: Who is in charge Mr. Bentley?
Follow Up Flag: Follow up
Flag Status: Red

Handwritten note:
Please refer to the office to address a letter to respond to the request for information.

Hi There,

I am waiting to hear from someone on your end in regards to my email below.

Thank you,
Rain

Subject: RE: Who is in charge Mr. Bentley?
Date: Mon, 31 Oct 2011 15:36:40 -0400
From: cbentley.mpp.co@liberal.ola.org
To: rainstorm077@hotmail.com

Good Afternoon,

Thank you for your e-mail. I apologize for the delayed response.

As this matter falls under Mr. Bentley's responsibilities in his role as the Minister of Energy, I have forwarded your correspondence to his ministry office at Queen's Park for their response. They can be reached at write2us@ontario.ca or 1-888-668-4636.

Have a nice day.

Joyce Kmith
Constituency Assistant
Chris Bentley, MPP
11 Baseline Road East, Unit 8
London, ON N6C 5Z8
T - (519)657-3120 F - (519)657-0368

From: Rain Storm [mailto:rainstorm077@hotmail.com]
Sent: October 25, 2011 3:18 PM
To: Bentley_Chris-MPP-CO
Subject: Who is in charge Mr. Bentley?

Dear Chris Bentley,

I am very concerned to see that the Mississauga Power Plant is still underway as reported by the National Post yesterday.

See: <http://news.nationalpost.com/2011/10/24/construction-continues-at-mississauga-power-plant/>

Clearly the Liberals are looking like liars with this being the first and most public broken promise. I along with my friends and family voted Liberals specifically because of this Liberal campaign promise. I've driven by the plant and I still see that construction is moving ahead quickly which is extremely disturbing. Let it be known that "we the public" are outraged! The Liberals PROMISED to cancel the plant. With each day that passes we are losing

11/02/2011

yet more money and YOU and the Liberals are losing credibility fast. Why have the Liberals not issued a statement as to what is happening? Why has a stop-work order not been issued? Make no mistake we will not sit quietly on this until action is taken place fast and the plant is cancelled.

As a resident of the area, my neighbours and I have recently checked the Chip website <http://www.chipcanada.org/?q=node/39> and we can see that the status is still the same. No one is speaking up! I myself can attest that before elections it seemed everyone was talking my calls and returning my emails (including your office), but now that the YOU and the Liberals have been sworn no one is accountable and no one is making this a priority. Why do YOU not care about this issue?

We wanted ANSWERS!
We want this to end NOW!
We want to hear from YOU!

Rain

MC-2011-4181

C:RT

⊖

FYI

Page 1 of 2

Pitkeathly, Doreen (ENERGY)

From: Bentley_Chris-MPP-CO [cbentley.mpp.co@liberal.ola.org]
Sent: November 7, 2011 9:23 AM
To: Write2us (ENERGY)
Subject: FW: Moving the Mississauga Power Plant

PC- Frequent anti-wind writer
and media critic Parker
Gallant copies minister on
e-mail exchange with
another frequent writer
(Grant Church) re: moving
The Mississauga gas
plant
S-GTA New Supply

Joyce Kmith
Constituency Assistant
Chris Bentley, MPP
London West
8-11 Base Line Road East
London, Ontario
N6C 5Z8
(519) 657-3120

From: parker.gallant@sympatico.ca [mailto:parker.gallant@sympatico.ca]
Sent: November 6, 2011 2:46 PM
To: Steve Bihari; churchg@sympatico.ca; Bentley_Chris-MPP-CO; Peter Tabuns
Subject: Moving the Mississauga Power Plant

Steve, I know where they should move it! This posting on the transformingtonto website tells them where:
<http://transformingtonto.ca/ettl.html> Pay attention to this in particular:

"A better alternative to meet Toronto's electricity needs consists of an integrated combination of energy conservation and efficiency, new renewables and natural gas-fired combined heat and power plants. This combination will provide the city with a more reliable, cost effective and efficient electricity system, and will directly contribute to better air quality and a reduced contribution to global warming from the city itself."

The Toronto Danforth riding held by Peter Tabuns of the NDP apparently were OK with it back when Tabuns was running against Ben Chin in the bi-election about 5 years ago. They didn't want the transmission lines but they were OK with gas generation. Peter Tabuns beat out the Liberal candidate Ben Chin (Ben was rewarded with a nice job at the OPA however by McGuinty) and one of the reasons was Tabuns fought the transmission lines going through the riding. Ben Chin had no choice but to support his party and was beaten.

I copied this to both of them so they can get together and work out the minor details. Maybe it will be the litmus test to see if the Liberals can get along with the other parties eh?

Parker

Date: Sun, 6 Nov 2011 14:22:33 -0500
Subject: Re: [windconcerns] Mississauga Power Plant Construction on the Weekend
From: steve.bihari@gmail.com
To: churchg@sympatico.ca
CC: windconcerns@googlegroups.com

Once the plant is finished, they're going to "move" it. That's the McGuinty promise.

He must believe the GTA voters are really stupid for them to buy that one.

But I digress...

11/07/2011

On Sat, Nov 5, 2011 at 6:17 PM, Grant Church <churchg@sympatico.ca> wrote:

Hi Everyone,

It was a beautiful day today in Mississauga. The power plant is still under construction, even on a Saturday. What do you suppose their up to? Are they just going to stick it to McGuinty for his cynical ploy to build the plant in the first place and then 11 days before the election cancel it to save some seats. The company could say them, "How much are you willing to pay us to call it a day?" Maybe a billion would be too small to ask?

Enjoy the pictures I took and save them as a testimony against the evil plans of the McGuinty Government. I think the plant will be completed and deliver power to the grid despite all the opposition and the McGuinty promise. There were many protest signs in a nearby residential neighbourhood with homes as close as 300 m from the plant, scaling the Google map.

To see the site of the plant copy this address to Google maps and zoom into street view. A backhoe is sitting on the fenced property. The picture might be a year or two old. The number on the fence is 2315.

2379 Loreland Ave, Mississauga, Peel Regional Municipality, Ontario L4X 2A6

They could stick a few wind turbines in the area since they elected Liberals.

Sincerely,

Grant

--
You received this message because you are subscribed to the Google Groups "Wind Concerns" group.

To post to this group, send email to windconcerns@googlegroups.com.

To unsubscribe from this group, send email to windconcerns+unsubscribe@googlegroups.com.

For more options, visit this group at <http://groups.google.com/group/windconcerns?hl=en>.

--
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For more options, visit this group at <http://groups.google.com/group/windconcerns?hl=en>.

11/07/2011

Fisher, Petra (ENERGY)

From: Kulendran, Jesse (ENERGY)
Sent: November-09-11 3:15 PM
To: Lindsay, David (ENERGY)
Cc: Silva, Joseph (ENERGY)
Subject: Ministers' Pre-Cabinet Scrums - Mississauga
Attachments: Nov. 9 - Ministers' Pre-Cabinet Scrums.doc

FYI.

Jesse Kulendran - Senior Coordinator, Policy & Special Projects - Deputy Minister's Office - Ministry of Energy - Tel.: 416-327-7025 - Blackberry: 416-206-1394

From: Lepage, Guy (CAB)
To: @CAB-QPscrums
Cc: @CAB-Issues
Sent: Wed Nov 09 15:11:11 2011
Subject: Ministers' Pre-Cabinet Scrums

MEDIA EVENT: MINISTERS' PRE-CABINET SCRUMS
November 9, 2011

Location:
Outside Cabinet Meeting Room, Legislature
Speakers:
Minister Bentley, Minister Sousa
Media Attendance:
Print - 5

10) TV - 4

7) Radio - 1

3) Media Questions:

Questions for Minister Bentley:

Q: Is there no progress to report on this gas-fired plant that you guys promised to move?
I have no further progress to report.

Q: Construction continues. It is starting to be a bit of an embarrassment for the government isn't it? You make this big promise. It is a huge deal. It probably saves Charles Sousa's seat and maybe a couple of others. And 35 days after the election, we still don't have any progress.

We have committed to move the plant, relocate the plant. I know the OPA is working very hard on this issue and I don't have any further progress to report.

Q: Wouldn't it be smart to at least stop construction. Wouldn't you like to see construction stopped?

What we would all like to see is the plant be relocated as quickly as possible, that there be discussions that conclude as expeditiously and as fairly to all parties as possible.

Q: Isn't there a tipping point though when you have spent so much money building a plant that is not going to go there that it doesn't make any financial sense any more to move it?

As I said before, I am not going into the minute by minute discussions about various parts of this. I know the OPA is involved in this and they are working as hard as they can. It would be my hope to see a resolution to this as quickly and expeditiously as possible and we can get the plant relocated as fairly and as quickly as possible.

Q: Why is the construction still ongoing? You must have an answer to this. Why is it still ongoing if you guys want to move the plant?

As I said before I am not going to engage in minute by minute, hour by hour. It really isn't helpful. It doesn't help advance the discussion. It doesn't advance....

Q: It does not provide any answers.

It does not advance the goal of moving the plant.

Q: And neither does building this thing. Building the thing does not advance moving the plant Minister. So what happens if they finish the plant and it's built and it's fully constructed and ready to go. Will you still relocate it?

As I said, the OPA is involved in this and they are working very hard. The government has made a commitment and I am hoping to see this resolved as quick and expeditiously as possible. I don't have any further information to report at this time.

Q: You are the minister and you have the possibility to come out and introduce a bill or have a stop work order, you have that possibility, why don't you use it?

So as I said I am not going to engage in minute by minute, hour by hour....

Q: This isn't minute by minute, hour by hour, this is something where public dollars are being wasted.

As I said, I am not going to engage in minute by minute, hour by hour. It does not advance the issue, it does not advance the interest of the people of Ontario that the OPA is involved from our end.

Q: If you won't engage in minute by minute, what are you engage in because people want the answers and you are not providing any?

I am hopeful they are going to be successful in the resolution....

Q: So when are you going to be engaging?

I actually can't any more to that so thank you very much.

Q: Are you legally barred from stopping work. In other words did you just legally service notice and there is some legal notice period before you can actually stop construction?

As I said I am not getting in the minute by minute, hour by hour, we've got the OPA....

Q: Minister you are not the attorney general any more. I am sorry this is not something that is before the courts. You are a line minister and people want to know what is happening in your file. And you can't give us a straight answer on that.

We are acting in the best interests, the best interests are not served by me engaging the type of discussion you would like me to. It is best served by supporting the OPA in the work they are trying to do to bring this to...

Q: Are you afraid of a lawsuit?

I don't think I can add any more than that.

Q: How about the Oakville plant that you guys closed a year and a bit ago? You did close that one but we did not find out how that is going to cost. Do we have any resolution to that one?

It's not come to a conclusion but I understand discussions are ongoing, yes.

Q: Are you afraid of a lawsuit?

Sorry?

Q: Are you afraid of a lawsuit in Mississauga?

As I say I don't think I can add anything more but thank you very much.

Questions for Minister Sousa:

Q: (joined in progress) ...still going on at the Mississauga power plant that you announced was going to be cancelled.

SOUSA: As we said, as we've committed to, we're going to have the plant relocated and we're in the process of doing it. Discussions are being had, I understand from the Minister of Energy, from the Premier's commitment, publicly stating the same fact and that's what's happening.

Q: If you're going to cancel it, why is the construction still going on?

Q: It's a question to your incumbents (sic) actually that wonder why the construction is still going on, so as an MPP, can you answer that question?

SOUSA: Yeah, and I can appreciate the concerns that my residents have and that's why we're working hard to ensure that we have an agreement to have it removed and to have it moved and that's what's occurring.

Q: Are you legally required to give notice? Like do you legally have to say we're giving you notice and then in so many days they can actually stop work? Is that the hang up?

SOUSA: Right now they're having those discussions. Let the process proceed. I don't want to divulge things that will compromise the situation. That's what's happening. They're having those discussions now to have it moved.

Q: What discussion?

SOUSA: They're having, we've already committed that we're going to move the plant. We've made the commitment that we're going to do so. And we've said that that's going to happen.

Q: But why not issue a stop-work order? You used to be labour minister. You know about these kind of things. Issue a stop-work order. I mean, it's being built and yet it's supposedly not going to be built. It seems absolutely absurd.

SOUSA: Let them go through the process.

Q: I don't understand. Why can't you stop construction while these discussions are going on?

SOUSA: They're having the discussion now to, as we said, we want the agreement to be with the proponents so we can come an accord as to where it should go and that's what's happening.

Q: I'm asking why you don't stop it while the discussions are going on.

SOUSA: You know, they're having, we've made it very clear that the plant's not going to be put in that location and we're making efforts to move it.

Q: Are you guys afraid of a lawsuit?

SOUSA: I'm not going to get into that right now.

Q: Will you go as far as having the plant totally built and relocate it? Could we go as far as having it built completely? It's a fair question. Like, people living in this riding and across Ontario want to know. It's costing the province a lot of money right now.

SOUSA: We're taking everything into consideration, ensuring that the plant will be moved. We're going to make every effort to make sure that that happens as soon as possible.

N.B.: Comments captured are not verbatim quotes

Prepared by:

Guy Lepage/Senior Issues Analyst

Leah Covert/ Research and Administration Coordinator

MEDIA EVENT: MINISTERS' PRE-CABINET SCRUMS

November 9, 2011

Location:

Outside Cabinet Meeting Room, Legislature

Speakers:

Minister Bentley, Minister Sousa

Media Attendance:

Print – 5

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Radio – 1

Media Questions:

Questions for Minister Bentley:

Q: Is there no progress to report on this gas-fired plant that you guys promised to move?	I have no further progress to report.
Q: Construction continues. It is starting to be a bit of an embarrassment for the government isn't it? You make this big promise. It is a huge deal. It probably saves Charles Sousa's seat and maybe a couple of others. And 35 days after the election, we still don't have any progress.	We have committed to move the plant, relocate the plant. I know the OPA is working very hard on this issue and I don't have any further progress to report.
Q: Wouldn't it be smart to at least stop construction. Wouldn't you like to see construction stopped?	What we would all like to see is the plant be relocated as quickly as possible, that there be discussions that conclude as expeditiously and as fairly to all parties as possible.
Q: Isn't there a tipping point though when you have spent so much money building a plant that is not going to go there that it doesn't make any financial sense any more to move it?	As I said before, I am not going into the minute by minute discussions about various parts of this. I know the OPA is involved in this and they are working as hard as they can. It would be my hope to see a resolution to this as quickly and expeditiously as possible and we can get the plant relocated as fairly and as quickly as possible.
Q: Why is the construction still ongoing? You must have an answer to this. Why is it still ongoing if you guys want to move the plant?	As I said before I am not going to engage in minute by minute, hour by hour. It really isn't helpful. It doesn't help advance the discussion. It doesn't advance....
Q: It does not provide any answers.	It does not advance the goal of moving the plant.
Q: And neither does building this thing. Building the thing does not advance moving the plant Minister. So what happens if they finish the plant and it's built and it's fully constructed and ready to go. Will you still relocate it?	As I said, the OPA is involved in this and they are working very hard. The government has made a commitment and I am hoping to see this resolved as quick and expeditiously as possible. I don't have any further information to report at this time.
Q: You are the minister and you have the possibility to come out and introduce a bill or have a stop work order, you have that possibility, why don't you use it?	So as I said I am not going to engage in minute by minute, hour by hour....
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▪ Corporate Issues ▪ Cabinet Office ▪

▪ Issues Manager - Craig Sumi: (416) 325-3772 ▪ Media Monitoring - Paul Stinson: (416) 561-0632 ▪

	OPA is involved from our end.
Q: If you won't engage in minute by minute, what are you engage in because people want the answers and you are not providing any?	I am hopeful they are going to be successful in the resolution....
Q: So when are you going to be engaging?	I actually can't any more to that so thank you very much.
Q: Are you legally barred from stopping work. In other words did you just legally service notice and there is some legal notice period before you can actually stop construction?	As I said I am not getting in the minute by minute, hour by hour, we've got the OPA....
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Q: How about the Oakville plant that you guys closed a year and a bit ago? You did close that one but we did not find out how that is going to cost. Do we have any resolution to that one?	It's not come to a conclusion but I understand discussions are ongoing, yes.
Q: Are you afraid of a lawsuit?	Sorry?
Q: Are you afraid of a lawsuit in Mississauga?	As I say I don't think I can add anything more but thank you very much.
Questions for Minister Sousa:	
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Q: Are you legally required to give notice? Like do you legally have to say we're giving you notice and then in so many days they can actually stop work? Is that the hang up?	SOUSA: Right now they're having those discussions. Let the process proceed. I don't want to divulge things that will compromise the situation. That's what's happening. They're having those discussions now to have it moved.
Q: What discussion?	SOUSA: They're having, we've already committed that we're going to move the plant. We've made the commitment that we're going to do so. And we've said that that's going to happen.
Q: But why not issue a stop-work order? You used to be labour minister. You know about these kind of things. Issue a stop-work order. I mean, it's being built and yet it's supposedly not going to be built. It seems absolutely absurd.	SOUSA: Let them go through the process.

Q: I don't understand. Why can't you stop construction while these discussions are going on?	SOUSA: They're having the discussion now to, as we said, we want the agreement to be with the proponents so we can come an accord as to where it should go and that's what's happening.
Q: I'm asking why you don't stop it while the discussions are going on.	SOUSA: You know, they're having, we've made it very clear that the plant's not going to be put in that location and we're making efforts to move it.
Q: Are you guys afraid of a lawsuit?	SOUSA: I'm not going to get into that right now.
Q: Will you go as far as having the plant totally built and relocate it? Could we go as far as having it built completely? It's a fair question. Like, people living in this riding and across Ontario want to know. It's costing the province a lot of money right now.	SOUSA: We're taking everything into consideration, ensuring that the plant will be moved. We're going to make every effort to make sure that that happens as soon as possible.

N.B. : Comments captured are not verbatim quotes

Prepared by:

Guy Lepage/Senior Issues Analyst
Leah Covert/ Research and Administration Coordinator

Fisher, Petra (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November-09-11 4:03 PM
To: McMichael, Rhonda (CAB)
Cc: Sharkawi, Rula (ENERGY)
Subject: The Canadian Press: Discussions underway but no new info on Mississauga gas plant, McGuinty says

In case this comes up in the 4pm meeting.

Questions continue to be focused on why construction is continuing and what is this going to cost? Also refers to the 2003 oak ridges moraine and gov't inability to keep that promise.

From: Energy In The News (ENERGY)

Sent: November 9, 2011 3:49 PM

To: Bacci, Gloria (ENERGY); Biggs, Megan (ENERGY); Brown, Nzinga (ENERGY); Calwell, Carolyn (ENERGY); Carson, Cheryl (ENERGY); Cayley, Daniel (ENERGY); Cheung, Cathy (ENERGY); Collins, Jason R. (ENERGY); Cooper, Linda (ENERGY); Dier, Kirby (ENERGY); Dreyfuss, Eric (ENERGY); George, Shemain (ENERGY); Gerard, Paul (ENERGY); Gibbs, Diana (ENERGY); Gordon, Robert (ENERGY); Johnson, Paul (ENERGY); Kacaba, Jennifer (ENERGY); King, Ryan (ENERGY); Kourakos, Georgina (ENERGY); Kovesfalvi, Sylvia (ENERGY); Krstev, Viki (ENERGY); Kulendran, Jesse (ENERGY); Landmann, Peter (ENERGY); Lindsay, Ken (ENERGY); Linington, Brenda (ENERGY); Malcolm, Pauline (ENERGY); Mieto, Erika (ENERGY); Mitchell, Andrew (ENERGY); Morton, Robert (ENERGY); Nutter, George (ENERGY); O'Donnell, Cheryl (ENERGY); Olsheski, Mark (ENERGY); Oxford, Kelly (ENERGY); Perry, Ann (ENERGY); Perun, Halyna N. (ENERGY); Pitkeathly, Doreen (ENERGY); Pletsch, Adam (ENERGY); Prithipal, Shantie (ENERGY); Rehob, James (ENERGY); Renwick, Meredith (ENERGY); Sharkawi, Rula (ENERGY); Shear, Dan (ENERGY); Silva, Joseph (ENERGY); Sluiman, Harmony (ENERGY); Smith, Mark (ENERGY); Springman, Hartley (ENERGY); Stefanac, Rosalind (ENERGY); Sylvis, Laura (ENERGY); Thompson, Erin (ENERGY); Todd, Brian (ENERGY); Wismer, Jennifer (ENERGY); Wolgelerenter, Debbie (ENERGY); Zoladek, Marta (ENERGY)

Subject: The Canadian Press: Discussions underway but no new info on Mississauga gas plant, McGuinty says

Discussions underway but no new info on Mississauga gas plant, McGuinty says

By Romina Maurino

THE CANADIAN PRESS

TORONTO – The governing Liberals are no closer to moving a gas plant they promised to shut down during the provincial election despite calls from the opposition to at least stop work on the site so that taxpayers don't get stuck with a massive bill.

“The taxpayers are just being hosed,” said Progressive Conservative critic Jim Wilson.

“I think (Premier Dalton McGuinty) didn't have an end game and I think he misled the people of Mississauga and the people of Ontario.”

Both the Tories and the New Democrats question the government's decision to allow construction to continue on a plant they have promised to relocate, and wondered whether the Liberals will be able to keep their promise as the Mississauga facility gets closer to completion.

McGuinty could ask for a work stop order while he negotiates to move the plant, Wilson said, but is instead letting the project progress.

“He's probably in the hundreds of millions of dollars at this point, and every day they drive in another nail or turn another bolt, the cost to Ontario taxpayers is going up,” said Wilson.

McGuinty has insisted he will move the plants but had no progress to report Wednesday, only saying that “discussions are still underway.”

He also couldn't say how long those discussions will take.

Energy Minister Chris Bentley refused to answer questions about why the government was allowing the plant to grow bigger, which would only make its transport more difficult and costly.

“I'm not going to get into the minute-by-minute discussions about various parts of this,” said Bentley.

“It would be my hope to see a resolution to this as quickly and expeditiously as possible.”

New Democrat Jonah Schein said that answer wasn't good enough, especially given that the promise was a last-minute decision just days away from last month's election.

“We need to hear from the government on this issue, this is a big deal,” he said.

“They changed their mind at the last minute there, and we need to get some answers about that.”

The opposition also pointed out that if the government ultimately backtracks on the promise, it wouldn't be the first time: McGuinty had vowed to block the construction of homes in Oak Ridges Moraine during the 2003 election but said after that win that he wouldn't be able to do it.

Wilson hinted that if it comes to that, his party could go as far as to push for a by-election the ridings around the power plant, where four Liberals were re-elected because residents wanted the facility gone. They said the Greenfield South plant, which straddles the Toronto-Mississauga border, was too close to homes, schools, a hospital, a hospice and a large mall.

Taxpayers are already on the hook for a cancelled gas plant in Oakville - another Liberal riding.

Cayley, Daniel (ENERGY)

From: Kacaba, Jennifer (ENERGY)
Sent: November-09-11 4:19 PM
To: Pitkeathly, Doreen (ENERGY); Calwell, Carolyn (ENERGY)
Cc: Lindsay, Ken (ENERGY)
Subject: RE: Mississauga Correspondence

Hi Doreen,

Thanks for following up -- I believe we have everything now.

Jennifer

Jennifer Kacaba
Counsel

Legal Services Branch
Ministry of Attorney General
Ministry of Energy and Ministry of Infrastructure
777 Bay Street, 4th Floor
Toronto, Ontario M5G 2E5
Tel: (416) 212-4867
Fax: (416) 325-1781
Jennifer.Kacaba@ontario.ca

From: Pitkeathly, Doreen (ENERGY)
Sent: November 9, 2011 4:16 PM
To: Kacaba, Jennifer (ENERGY); Calwell, Carolyn (ENERGY)
Cc: Lindsay, Ken (ENERGY)
Subject: RE: Mississauga Correspondence

Hi Jennifer, Carolyn:

I just want to check that we're all sorted out on the correspondence files now.

Something obviously went wrong in the sending of the files the first time. I checked my sent folder and tried opening the files and had the same problem that they all showed as June. I'm sorry about that. I can't understand what happened. We re-sent the very same files and they were all fine. It's most disturbing and seems to indicate that we will now have to check every attachment after it is sent as well as before!.

Please let me know if you need anything else from us.

Doreen

From: Kacaba, Jennifer (ENERGY)
Sent: November 9, 2011 2:57 PM
To: Pitkeathly, Doreen (ENERGY)
Subject: RE: Mississauga Correspondence

416-212-4867

Jennifer Kacaba
Counsel

Legal Services Branch
Ministry of Attorney General
Ministry of Energy and Ministry of Infrastructure
777 Bay Street, 4th Floor
Toronto, Ontario M5G 2E5
Tel: (416) 212-4867
Fax: (416) 325-1781
Jennifer.Kacaba@ontario.ca

From: Pitkeathly, Doreen (ENERGY)
Sent: November 9, 2011 2:53 PM
To: Kacaba, Jennifer (ENERGY)
Subject: Re: Mississauga Correspondence

What's your number?

From: Kacaba, Jennifer (ENERGY)
To: Pitkeathly, Doreen (ENERGY)
Cc: Lindsay, Ken (ENERGY)
Sent: Wed Nov 09 14:25:19 2011
Subject: Re: Mississauga Correspondence

Ok thanks Doreen I am also on my way back to office - will be there in 15 minutes.

Jennifer

From: Pitkeathly, Doreen (ENERGY)
To: Kacaba, Jennifer (ENERGY)
Cc: Lindsay, Ken (ENERGY)
Sent: Wed Nov 09 14:23:13 2011
Subject: Re: Mississauga Correspondence

I'm on my way back to the office. I will call you. I think they are all different but I have run into this problem before.

From: Kacaba, Jennifer (ENERGY)
To: Calwell, Carolyn (ENERGY); Petersen, Shannon (ENERGY)
Cc: Pitkeathly, Doreen (ENERGY); Perun, Halyna N. (ENERGY)
Sent: Wed Nov 09 14:18:20 2011
Subject: Re: Mississauga Correspondence

Will do.

Jennifer

From: Calwell, Carolyn (ENERGY)
To: Petersen, Shannon (ENERGY); Kacaba, Jennifer (ENERGY)

Cc: Pitkeathly, Doreen (ENERGY); Perun, Halyna N. (ENERGY)

Sent: Wed Nov 09 14:15:41 2011

Subject: FW: Mississauga Correspondence

When I open these, they all seem to be the same letters. Please sort this out. I may be unavailable for the rest of the aft. Apologies. 1st of 2 emails.

From: Pitkeathly, Doreen (ENERGY)

Sent: November 9, 2011 11:25 AM

To: Calwell, Carolyn (ENERGY)

Cc: Lindsay, Ken (ENERGY); Kovesfalvi, Sylvia (ENERGY)

Subject: RE: Mississauga Correspondence

2nd Email

The file was too large to send. I am sending in several emails.

Hi Carolyn,

Here are the results of our correspondence search for the Mississauga Greenfield power plant.

The first six PDFs contain all that we received for that month together in one file. All together, these represent approximately 120 pieces of correspondence.

The other 24 PDFs are additional logged letters relating to the power plant.

We did not have time to be as thorough as we normally would be, so I apologize if there are some irrelevant files attached.

Please let me know if you need anything else.

Thanks,

Doreen

<<July - Mississauga Correspondence.pdf>> <<November - Mississauga Correspondence.pdf>>
<<September - Mississauga Correspondence.pdf>>

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-09-11 5:17 PM
To: King, Ryan (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE: more on repud....

If there is still opportunity - to the question, Why wasn't the contract terminated sooner? Answer should track language of Minister's letter of Oct. 24 because it will be asked for: We initiated discussions with Eastern Power as soon as we received the Minister's letter asking us to seek a satisfactory resolution of the Mississauga site.

To the question, Why should anyone contract...? Answer, This is a unique case should be modified: This is a unique case and these circumstances do not apply to other contracts or issues.

Apologies for the delay.

Carolyn

From: King, Ryan (ENERGY)
Sent: Wed 09/11/2011 3:06 PM
To: Kovesfalvi, Sylvia (ENERGY); Calwell, Carolyn (ENERGY)
Subject: RE: more on repud....

Minor suggestions

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November 9, 2011 2:53 PM
To: King, Ryan (ENERGY); Calwell, Carolyn (ENERGY)
Subject: more on repud....
Importance: High

Hi – CO wanted to add OPA q&a as well ... and a clearer sense of who answers what. I've reorganized info into a chart form ... slightly altering messaging as required. If there are any q's you think only OPA should answer or only gov't should answer, please indicated.

Appreciate your input – this is an ASAP. (I said I'd try to have it to them an hour ago).

Sorry and thank you.

From: McMichael, Rhonda (CAB)
Sent: November 9, 2011 11:53 AM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: Sharkawi, Rula (ENERGY)
Subject: RE:
Importance: High

thanks for this. I think they were hoping for an OPA q and a too. What would their responses be to the questions they are handling. Let me know when it would be possible to get that piece ...

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November 9, 2011 11:17 AM
To: McMichael, Rhonda (CAB)
Cc: Sharkawi, Rula (ENERGY)
Subject:

Hi Rhonda –

At Rula's request, I am forwarding a proposed media protocol and additional QAs re repudiation.

This has been approved by Legal.

Sylvia
7-4334

Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November-09-11 5:39 PM
To: King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Sharkawi, Rula (ENERGY)
Subject: FW:
Attachments: QA - repudiationNov09.POLICY-APPROVED(rk).doc

Hi - CO would like to add one more question ...

How come you've cancelled the plant in Oakville but not in Northern York Region?

These are two very different situations. Southwest GTA's local reliability issues can be addressed through building transmission. Transmission projects were rejected by the people of Northern York Region, and a generating facility is required immediately in the region to meet North American standards for reliability.

The messaging above is from last year - can we still use it?

-----Original Message-----

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November 9, 2011 3:48 PM
To: McMichael, Rhonda (CAB); Sharkawi, Rula (ENERGY)
Subject:

With document name change.

-----Original Message-----

From: McMichael, Rhonda (CAB)
Sent: November 9, 2011 3:43 PM
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: FW: QA - repudiationNov10 LEGAL-APPROVED(rk).doc

Just so you know I made one change -- "find" to "look for" in regards to a new site, it didn't make sense.

Have forwarded, and will forward the new version when it's avail. Thanks.

-----Original Message-----

From: McMichael, Rhonda (CAB)
Sent: November 9, 2011 3:43 PM
To: Gherson, Giles (CAB); Turnbull, Tiffany (CAB)
Cc: Betzner, Lynn (CAB); Guest, Alana (CAB)
Subject: QA - repudiationNov10 LEGAL-APPROVED(rk).doc

Hi Giles/Tiffany:

Please find attached the draft government and OPA messaging if you want to share in advance of the 4:00 call. This has Energy policy approval, but is still with legal, so there may be an updated version. I will forward the legal-approved version as soon as it's available.

Rhonda

Greenfield Contract Termination (Repudiation)
November 9, 2011

MEDIA PROTOCOL

Generally the Minister's Office responds to strategic questions and OPA responds to operational questions.

Strategic - Minister's Office (Minister or Erika Botond)

- Government's decision to relocate the plant
- Government's commitment to relocate the plant.

Operational - OPA (Colin Andersen or Kristen Jenkins)

- Status of contract negotiations, and process for finding another site
- History of Eastern site selection (required approvals, public consultation, etc).

Process

- The OPA immediately notifies the Ministry of Energy of any Greenfield-related media call (Communications Director, Media Manager and Spokesperson).
- The Ministry immediately notifies Minister's Office, Deputy Minister's Office, Legal and Cabinet Office.
- The OPA submits proposed responses; the ministry secures approvals (Cabinet Office, DMO, Legal, Policy).
- The Minister's Office confirms who responds and how (phone/email).

WHO SAYS WHAT – General Guidelines

	MINISTER	OPA
Key Messages	<p>I understand that the OPA has had discussions with the proponent (Eastern Power). The OPA has notified Eastern that the OPA will not proceed with the contract.</p> <p>The OPA will continue to look for another site for the gas plant.</p> <p>The government will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.</p>	<p><i>We have notified Eastern that the OPA will not proceed with the contract.</i></p> <p><i>Contract negotiations are commercially sensitive and we cannot provide any additional information at this time.</i></p> <p><i>We will continue to look for another site for the gas plant.</i></p> <p><i>Once potential sites have been identified, the public will be consulted before a final decision is made.</i></p>
<p><u>Contract Termination</u></p> <p>Who terminated the contract?</p> <p>Why was the contract terminated? Were other solutions not viable?</p> <p>Did the OPA terminate the contract at the government's request?</p>	<p>I understand the OPA has had discussions with the proponent (Eastern Power) and has notified them that the OPA will not proceed with the contract.</p> <p>Contract negotiations are commercially sensitive. These discussions are confidential. We are confident the OPA negotiated in the best interests of Ontarians.</p> <p>The OPA, as the contract holder, has been in discussions with Eastern Power to resolve this matter in the best interests of Ontarians.</p>	<p><i>We have notified Eastern Power that we will not be proceeding with the contract.</i></p> <p><i>Contract negotiations are commercially sensitive. These discussions are confidential. We have negotiated in the best interests of Ontarians.</i></p> <p><i>Our goal has been to resolve this matter in the best interest of Ontarians. We believe this decision best serves the public interest. Contract negotiations are commercially sensitive and we cannot say more than that.</i></p>

Why wasn't the contract terminated sooner?	Discussions began as soon as they could between OPA and Eastern. This decision is the result of those discussions.	<i>We initiated discussions with Eastern Power as soon as we received the Minister's letter asking us to begin discussions. This decision is the result of those discussions.</i>
If the OPA is terminating the contract, how can you get the company (Eastern) to work with the OPA to relocate the site?	The OPA is in discussions with Eastern Power and we expect them to find a satisfactory resolution.	<i>We are in discussions with the proponent.</i>
Will Eastern Power be the company to build the relocated plant? Do you have assurances from them on that?	At this time, the OPA is in discussions with Eastern Power to find a satisfactory resolution.	<i>We are in discussions with Eastern Power and hope to reach a satisfactory resolution.</i>
Will you put this back out to tender?	At this time, the OPA is in discussions with Eastern Power to find a satisfactory resolution.	<i>We are in discussions with Eastern Power and hope to reach a satisfactory resolution.</i>
What is the process for finding another site?	The OPA is best able to answer this. We can confirm that the site selection will include public consultation.	<i>We will consider available locations, local generation needs and transmission and distribution support. Once options are identified, the public will be consulted.</i>

<p><u>Construction</u></p> <p>Now that the OPA has terminated the contract, will work stop at the site?</p> <p>Will legislation be required to stop construction?</p> <p>Minister, your spokesperson said that legislation was not needed, is this true?</p>	<p>My understanding is that the OPA has notified the proponent that it is not proceeding with the contract. The OPA continues to have discussions about stopping work at the site.</p> <p>Legislation is an option, however, the best option, and the one we are choosing at this time, is to have the OPA work with Eastern Power to find satisfactory resolution.</p> <p>It is our expectation the OPA and Eastern Power will work together to find a satisfactory resolution.</p> <p>The best option, and the one we are choosing at this time, is to have the OPA work with Eastern Power to find satisfactory resolution to the site.</p>	<p><i>We have notified Eastern that we are not proceeding with the contract. We continue to have discussions about stopping work at the site.</i></p> <p><i>The government is best able to answer that question.</i></p> <p><i>We are in discussions and hope to reach a satisfactory resolution.</i></p> <p><i>The government is best able to answer that question.</i></p>
<p><u>Contract Value</u></p> <p>Why should anyone want to contract with OPA or government after this?</p> <p>What's the status of negotiations with TransCanada?</p>	<p>The government and our agencies have successful track records for negotiating and fulfilling contracts in the best interest of Ontario taxpayers. This is a unique case and should not be used to apply to other contracts or issues.</p> <p>Like any other business, energy partners work together to respond to changing conditions. Contracts are renegotiated or terminated on a small and large scale across businesses of all types.</p> <p>The OPA is in discussions with TransCanada. We do not have an update at this time.</p>	<p><i>Our agency has a successful track record for negotiating and fulfilling contracts in the best interest of Ontario taxpayers.</i></p> <p><i>This is a unique case and should not be used to apply to other contracts or issues.</i></p> <p><i>We are in discussions with TransCanada. We do not have an update at this time.</i></p>

<p>Will the cost of these contract cancellations be made public knowledge at some time?</p>	<p>Our government is committed to conducting business in an open and transparent manner. We will provide what we can when we can.</p>	<p><i>Contracts are commercially sensitive. It is up to the proponent to determine what they are willing to make public and when.</i></p>
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Cayley, Daniel (ENERGY)

From: King, Ryan (ENERGY)
Sent: November-09-11 5:40 PM
To: Jennings, Rick (ENERGY)
Subject: Fw:
Attachments: QA - repudiationNov09.POLICY-APPROVED(rk).doc

Duplicate attachment removed

Rick is this ok?

----- Original Message -----

From: Kovesfalvi, Sylvia (ENERGY)
To: King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Sharkawi, Rula (ENERGY)
Sent: Wed Nov 09 17:39:21 2011
Subject: FW:

Hi - CO would like to add one more question ...

How come you've cancelled the plant in Oakville but not in Northern York Region?

These are two very different situations. Southwest GTA's local reliability issues can be addressed through building transmission. Transmission projects were rejected by the people of Northern York Region, and a generating facility is required immediately in the region to meet North American standards for reliability.

The messaging above is from last year - can we still use it?

-----Original Message-----

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November 9, 2011 3:48 PM
To: McMichael, Rhonda (CAB); Sharkawi, Rula (ENERGY)
Subject:

With document name change.

-----Original Message-----

From: McMichael, Rhonda (CAB)
Sent: November 9, 2011 3:43 PM
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: FW: QA - repudiationNov10 LEGAL-APPROVED(rk).doc

Just so you know I made one change -- "find" to "look for" in regards to a new site, it didn't make sense.

Have forwarded, and will forward the new version when it's avail. Thanks.

-----Original Message-----

From: McMichael, Rhonda (CAB)
Sent: November 9, 2011 3:43 PM

To: Gherson, Giles (CAB); Turnbull, Tiffany (CAB)
Cc: Betzner, Lynn (CAB); Guest, Alana (CAB)
Subject: QA - repudiationNov10 LEGAL-APPROVED(rk).doc

Hi Giles/Tiffany:

Please find attached the draft government and OPA messaging if you want to share in advance of the 4:00 call. This has Energy policy approval, but is still with legal, so there may be an updated version. I will forward the legal-approved version as soon as it's available.

Rhonda

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-09-11 6:28 PM
To: Kulendran, Jesse (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Kacaba, Jennifer (ENERGY)
Subject: Chart for Binder
Attachments: Greenfield South Public Comment.doc

I would suggest that this version would be most preferable, to the extent that we have the opportunity to switch it.

Carolyn

Greenfield South - Public Documents

Policy Rationale:

The 280 MW gas-fired generation facility, under construction at 2315 Loreland Avenue, has received significant local opposition from citizens and local civic leaders from the time of the award of a Clean Energy Supply contract to Greenfield South Power Corporation in 2005 to date. The City of Mississauga has filed resolutions opposing the facility at its current location. In response to this opposition, the government asked the Ontario Power Authority to engage Greenfield South Power Corporation in finding an alternative location for the plant. These discussions, if unsuccessful, may necessitate more proscriptive measures to stop the plant going forward.

The following provides examples of the public comment of which the Ministry is aware on this matter.

Number	Title	Date	Brief Description
1	City of Mississauga Report MG.01.REP EC.14.LOR	January 26, 2006	Staff report to the Council of the City of Mississauga regarding Request for Individual Environmental Assessment Greenfield South Power Project Eastern Power Limited (Ward 1) recommending that the Commissioner of Transportation and Works be authorized to forward a letter to the Minister of the Environment request that the Minister review and vary a decision to deny the request for elevation of the project an individual Environmental Assessment. Documents the City staff's environmental concerns, including municipal water servicing, destruction of the natural environment and non-compliance with the City's Official Plan.
2	Correspondence	March 6, 2006	Correspondence from Markland Homes Association to the Minister of Energy regarding meeting with CHIP and expressing concern about the impact of the Greenfield South Power Project on the community.
3	Correspondence	February and March, 2006	Correspondence from an individual to the Minister of Energy regarding concern about the potential harm of a power plant close to residence.
4	City of Mississauga Minutes of Session 18	October 24, 2007	Report of Closed Session discussion of OMB Decision on Appeals by Greenfield South Power Corporation resulting in a resolution that the City of Mississauga not continue with a Motion

			to the Divisional Court seeking leave to appeal the decision of the Ontario Municipal Board in the matter of certain appeals by Greenfield South Power Corporation.
5	Letter requesting information	July 21, 2008	Letter from Mayor McCallion to Minister of Energy regarding the status of the Eastern Power project so that the citizens who strongly objected to the Eastern Power project may be informed.
6	Letter	August 20, 2008	Letter from Minister of Energy and Infrastructure to Mayor McCallion regarding the status of power procurement activities in the southwest Greater Toronto Area and addressing environmental considerations related to Greenfield South.
7	Correspondence	November 2, 2008	Correspondence from area resident to Minister of Energy and MPP Mississauga - South regarding Town Hall Meeting on 28 th October 2008 and expressing fear about power plants in neighbourhood.
8	Miscellaneous Correspondence	Various, 2009	Correspondence from various individuals to the Minister of Energy and local MPP regarding concern for the Greenfield facility.
9	Letter enclosing report	September 28, 2009	Letter from Mayor McCallion to Minister of Energy concluding there is no need for this plant based on enclosed report entitled Demand and Supply Considerations Oakville & Mississauga Areas dated September 17, 2009, providing assessment of OPA's load forecasting for the area designated Southwest GTA, an overview of the present and future loads.
10	Why new natural gas power plants are a good fit for the GTA [NOT!]	April 25, 2010	Statement from Mississauga Residents Associations' Network (MIRANET) – Clean Air Subcommittee in response to Toronto Star Opinion Column. Responds to TransCanada's proposal for gas plant in Oakville and expresses concern about natural gas plants generally.
11	Correspondence	May 5, 2010	Letters from Mayors McCallion, Burton and Trainer of Mississauga, Oakville and Haldimand respectively to the

			Minister of Energy expressing concern about fossil fuel generation in the Clarkson Airshed.
12	Miscellaneous Correspondence	October 2010	Correspondence from various individuals to the Minister of Energy and local MPP regarding concern for the Greenfield facility.
13	City of Mississauga Report EC.14.POW	February 8, 2011	Staff report to Planning and Development Committee regarding Proposed Review of the Land Use Planning Framework for Power Generation Facilities recommending that the Committee provide staff with direction on a preferred scope for a review of the land use planning framework for power generating facilities. Notes that "the issue of power generating facilities and their appropriate location has been a recurrent issue for the last decade".
14	Miscellaneous Correspondence	April, June 2011	Correspondence from various individuals to the Premier, various Ministers and MPPs regarding concern for the Greenfield facility, with replies where available.
15	Resolution 0173-2011 of the Council of the City of Mississauga and related Minutes	June 22, 2011	Resolution by the Council of City of Mississauga to request from the Minister of the Environment a Full Environmental Assessment to be conducted on the Greenfield South proposal. Outlines Mississauga Council's concerns over location of the plant in a densely populated urban area and implications for emissions in the Etobicoke Lakeview airshed.
16	Request for Full Environmental Assessment from the City of Mississauga	June 24, 2011	Letter from Mayor McCallion to Minister of Energy regarding Mississauga Resolution 0173-2011 requesting a full Environmental Assessment following the Minister's statement that there would be a review of the Greenfield South power proposal for new environmental evidence. Outlines Mississauga Mayor's concerns over location of the plant and concern about health implications for residents of Mississauga.
17	Miscellaneous Correspondence	July 2011	Correspondence from various individuals to the Premier, various Ministers and MPPs regarding concern

			for the Greenfield facility, with replies where available.
18	Recommendation GC- 0469-2011 of the Council of the City of Mississauga and related Minutes	July 6, 2011	Recommendation adopted by the Council of the City of Mississauga that endorses the report entitled " <i>Provincial Election 2011: Summary of Key Issues for the City of Mississauga</i> " and additional question for provincial political parties as follows: "would your party ensure a full Environmental assessment is conducted on the Greenfield South Power plant proposal" and "will you as a Provincial candidate oppose the construction of the Greenfield South power plant"
19	Greenfield South Power Plant - Council Motion	July 8, 2011	Motion to the Council of the City of Mississauga requesting that Minister of Environment to conduct a Full Environmental Assessment and that the Minister of Energy conduct a full review to determine the necessity of manufacturing 280 MW in a densely populated urban area and consider alternatives to the proposal.
20	Miscellaneous Correspondence	August 2011	Correspondence from various individuals to the Premier, various Ministers and MPPs regarding concern for the Greenfield facility, with replies where available.
21	Letter from the Ontario Liberal Party	August 19, 2011	Letter from Premier McGuinty to Mayor McCallion enclosing responses to the City of Mississauga's provincial election questionnaire.
22	Miscellaneous Correspondence	September 2011	Correspondence from various individuals to the Premier, various Ministers and MPPs regarding concern for the Greenfield facility, with replies where available.
23	Miscellaneous Correspondence	October 2011	Correspondence from various individuals to the Premier, various Ministers and MPPs regarding concern for the Greenfield facility, with replies where available.
24	Statement from Charles Sousa MPP	October 25, 2011	The government remains committed to the relocation of the plant, as well as developing more rigorous controls for location choices in future projects.
25	Miscellaneous Correspondence	November 2011	Correspondence from various individuals to the Premier, various Ministers and MPPs regarding concern

			for the Greenfield facility, with replies where available.
26	Petition	To November 7, 2011	Petition to STOP the Sherway Power Plant in Mississauga/Etobicoke as the plant is near a waterway and a hospital and will result in damage to people, the environment and wildlife. Received 2,187 signatures to November 7, 2011
27	Greenfield South Power Corporation - Detailed Chronology	Undated	Chronology of events leading up to the approval and construction of the Greenfield South plant, beginning with the OPA's RFO for 'Clean Energy Supply' in September 2004, prepared by staff of the City of Mississauga. Includes history of zoning by-law appeals to the OMB
Section B			
1	Eastern Power Update - Ward 1 Councillor's Report	Spring/Summer 2006	Reports on site plan approval and release of the holding provision to permit construction of a 280 MW power generating facility.
2	Proposed plant could be online by 2012	March 13, 2009	Reports of Ontario Municipal Board hearing at which the City of Mississauga provided evidence that it made changes to its by-laws as ordered by the OMB in 2007. Documents residents' concerns about lack of public input upon award of contract. Quotes Sherway Homeowners and Recreational Association and Concerned Homeowners for Intelligent Power, which is characterized as a consortium of 8 ratepayers groups.
3	Permit issued for power plant – Mississauga.com	June 1, 2011	Report of building permit issued for construction of the 280 MW power plant and concerns of the Coalition of Homeowners for Intelligent Power and the Mississauga Residents' Associations Network related to its location near homes, Trillium Health Centre West Toronto and Etobicoke Creek.
4	Power plant becomes election issue - Toronto Star	June 12, 2011	Following the issuing of the building permit for the plant, which despite the OMB ruling in 2007 was not issued until 2011, residents groups opposing the project, including Markland Wood Homeowners Association, representing

			1,300 Etobicoke homes, vowed to make the plant an election issue in the Provincial election. Former Energy Minister and Etobicoke MPP Donna Cansfield announced her intention to fight the project, stating "this plant should not be built while there is any question as to its safety or necessity." Documents concerns of the.
5	MOE to review power plant – Inside Toronto	June 15, 2011	Report of Minister of Environment John Wilkinson's statement that the plans for the power plant would be reviewed in light of recent construction of a new set of condominium towers near the site and reaction of the Coalition Homeowners for Intelligent Power, which has opposed the plant since 2005..
6	Greenfield South Power Plant – Mississauga.com	July 8, 2011	Open letter from Mayor Hazel McCallion and Councillor Jim Tovey detailing the history of the project and stating that the City had run out of options with regard to opposing the proposal once the OMB decision amended the City's Official Plan and Zoning By-law. The Chief Building official was bound to issue a building permit once the project complied with required laws.
7	Calm crowd attended power plant meeting – Inside Toronto	August 12, 2011	Letter to the Editor providing an account of a meeting about the future power plant, characterizing the meeting as "grass roots democracy in action".
8	Group holds power plant rally – Mississauga.com	August 23, 2011	Provides notice of a rally to be held on September 15, 2011 for citizens concerned about the power plant, organized by Coalition of Homeowners for Intelligent Power, apparently representing 14,000 homes, with participation from the Mississauga Residents' Associations Network.
9	Residents ramp up power plant fight – Inside Toronto	Sept 16, 2011	Reports that hundreds of residents protested near the plant's location. Discontent has grown since the construction on the site began despite the Environment Minister's pledge to review the approval of the plant obtained in 2008. The purpose of the protest was to urge the Premier to cancel the project. Rally organizers

			called for residents to make the power plant an issue in the provincial election.
10	Power plant review ongoing – Inside Toronto	Sept 19, 2011	Ongoing environmental review not complete, but residents asking that the review be completed before the Provincial election. Ministry of Environment spokesperson said that it was too early to speculate on when the review will be complete, what the outcome will be, and whether cancellation of the project is an option.
11	Politicians should stop playing with Ontario's electricity –	Sept 29, 2011	Opinion piece by Tom Adams regarding the announcement from the Liberals that if elected, the Greenfield Plant would be relocated. Criticises the announcement as a political move to secure votes, with a lack of information provided regarding costs of the cancellation, including replacement generation. Also criticises the energy-related campaign promises of other political parties. With all 3 parties now in opposition to the plant, there is no debate on the wider issues associated with the cancellation.
12	Construction continues at Mississauga power plant – National Post	Oct 24, 2011	One month after the Liberals decided to halt the Greenfield project, construction is still ongoing. A generator was seen being delivered to the site. Spokesperson for the Ministry stated that there hasn't been time to work out the details of the cancellation yet, but that the government is committed to relocating the plant. Critics remain sceptical that the promise to relocate the plant was genuine.
13	New Generator Unplugged for Power Plant – Toronto Sun	Oct 24, 2011	Article with criticism from both PC and NDP leaders on the continued construction of the plant. Both party leaders state that the longer construction continues, the greater the cost will be to tax payers if and when the plant is relocated.
14	Liberals in talks to move plant – Mississauga.com	Oct 26, 2011	Ministry of Energy spokesman stated that discussions to relocate the plant are taking place, and that no legislation will be required to halt construction of the plant. Criticism by the opposition and residents persists as construction on the plant continues. Refers to

			Applewood Acres Homeowners Association.
15	Miscellaneous	Between February 2, 2006 and November 2, 2011	Reports from miscellaneous sources related to the Greenfield South power plant.

DRAFT

Section C			
1	Bill 8		Bill 8, The Separation Distances For Natural Gas Power Plants Act, 2010, a Private Members Bill
2	Official Report of Debates (Hansard)	March 22, 2010	Introduction of Bill 8
3	Correspondence	April 23, 2010	Correspondence from an individual to the Premier, the Minister of Energy, the Minister of Environment and MPP in support of Bill 8.
4	Correspondence	March 24, 2011	Correspondence in support of Bill 8.

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-09-11 7:28 PM
To: Calwell, Carolyn (ENERGY)

Confidential & Privileged

Drafting Instructions – November 10, 2011

Definition

Other structures –municipal services shouldn't be affected (site will ultimately be redeveloped)
Assume land serviced before project commenced [Carolyn – check that status report]

Carolyn: Amanda to research Mississauga by-laws re: demolition, remediation

2. Prohibition on continuing construction

If corporation tells its contractors to stop constructing, then we risk contractual interference claims from the contractors. We need to preclude this potential liability.

You addressed prevention of theft and damage to property. We should probably also address Occupiers' liability – corporation remains responsible.

4. Termination of the Agreement

Termination should be effective on the date that the OPA repudiates the contract, November x, 2011 (we will be able to confirm shortly). Contract has been entered into – we don't need to deem it never entered into.

The Corporation self financed – we don't need to address any repayment.

The bill should terminate any contracts that the Corporation has related to work on the site. See comment above re: contractual interference. The policy intent is that Greenfield would be paid its reasonable, sunk costs, which should allow it to then pay its contractors for the work that they had done. Contractors' lost profit will need to be addressed through the compensation provisions.

Query whether we need a provision that requires the Corporation to pay its contractors. Although they aren't precluded from litigation under their contracts, we wouldn't want the Corporation to find a way not to pay them for their costs incurred.

Lenders' rights – Carolyn to follow up with Malle Hanslep

5. Extinguishment of causes of action

Is "in respect of the project or the site" sufficient to catch contractors?

This section should have effect as of the date of the RFP by which the Corporation was selected for this project. Carolyn to confirm.

Once the outcome of the site is determined, we will be able to address expropriation – for now, please assume no expropriation (as you have).

6. Compensation

Payment will be made to the Corporation – it would then need to sort out its own obligations to make to contractors and suppliers.

Project development expenses would commence at date of OPA agreement, you proposed. End date for reasonable expenses is the repudiation date.

The expenses incurred by not yet paid would be (i) pursuant to a contract between the Corporation and a third party (ii) for work or equipment to be provided in relation to the project and at the site (iii) unavoidable (for want of a better word) by the Corporation (in other words, if they can mitigate, they must).

I expect that my client will prefer not to address legal fees directly.

Compensation if the Crown takes the land still needs to be determined – one option that I've heard is that Crown will buy for fair market value, as is and then do any post-acquisition work through Infrastructure Ontario.

Accounting should include provision of contracts as well.

Fisher, Petra (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November-10-11 9:00 AM
To: Morton, Robert (ENERGY); Gerard, Paul (ENERGY)
Subject: Greenfield
Attachments: QA - repudiationNov09 LEGALandPOLICY-APPROVED.6pm.doc

Duplicate attachment removed

Hi – Attached, for your reference, is what I spent some of yesterday working on.

CO asked for a media protocol outlining messages for OPA and messages for our ministry.

This has been written in anticipation of a contract termination (doesn't mean that will happen – just in case).

This document is likely to evolve as discussions evolve.

Please keep it confidential – for your use only if you are asked for messaging.

I'm not filing on shared at this point.

Let me know if you have any questions; wish to discuss.

Thanks.

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November 9, 2011 8:35 PM
To: Calwell, Carolyn (ENERGY); King, Ryan (ENERGY)
Subject: Fw:

For your records.

Sent from my BlackBerry Wireless Handheld

From: Kovesfalvi, Sylvia (ENERGY)
To: McMichael, Rhonda (CAB)
Cc: Sharkawi, Rula (ENERGY)
Sent: Wed Nov 09 18:09:46 2011
Subject:

Hi Rhonda –

Attached is Legal and Policy approved messaging/QA including the question about why is Northern York Region going ahead (and not Mississauga and Oakville).

Legal thought this format was most appropriate (and didn't have further suggestions about how to narrow what questions only OPA should answer and what questions only Minister should answer).

Sylvia
7-4334

Cayley, Daniel (ENERGY)

From: Conrad, Katherine (ENE)
Sent: November-10-11 9:50 AM
To: Calwell, Carolyn (ENERGY)
Subject: RE: Greenfield South Power - MOE approvals

Carolyn,

As a follow-up to this, my client has confirmed that there is nothing before MOE in terms of applications for further approvals for the Greenfield plant.

Katherine

From: Conrad, Katherine (ENE)
Sent: November 07, 2011 11:22 AM
To: Calwell, Carolyn (ENERGY)
Subject: Fw: Greenfield South Power - MOE approvals

Carolyn, this is what I sent to Fran last week. As far as I know, two moe approvals. Client is supposed to be confirming early this week whether any approvals are currently in the works - but I am pretty sure there aren't any. Let me know if you need anything else.

Katherine Conrad, Counsel, Ministry of the Environment

From: Conrad, Katherine (ENE)
To: Carnerie, Fran (ENE)
Cc: Borg, Laurence (ENE); Hewitt, Myra (ENE)
Sent: Fri Nov 04 14:58:19 2011
Subject: Greenfield South Power - MOE approvals

Fran,

MOE has issued two approvals for this project:

- 1) Air Certificate of Approval No. 2023-7HUMVW – issued Dec. 10, 2008. No amendments.
- 2) Municipal Drinking Water System Certificate of Approval No. 2098-7J6NYD – issued Sept. 4, 2008. This Certificate revokes and replaces CoFA No. 2684-7GVLH9 (name change – administrative amendment)

I would have liked to get confirmation from Ian Parrott that MOE has not issued any other permits or approvals for this project, but he's been unavailable today. I did however search the IDS database with Rudolf Wan, the senior air & noise engineer who worked on the Air CoFA, and these were the only approvals we found.

Katherine

Katherine Conrad

Counsel

Ministry of the Attorney General | Legal Services Branch - Environment

135 St. Clair Avenue West, 10th Floor | Toronto, Ontario M4V 1P5

☎ (416) 212-7372

☎ (416) 314-6579

✉ katherine.conrad@ontario.ca

This communication is solicitor/client privileged and contains confidential information intended only for the person(s) to whom it is addressed. Any unauthorized disclosure, copying, other distribution of this communication or taking any action on its contents is strictly prohibited. If you have received this message in error, please notify us immediately and delete this message without reading, copying or forwarding it to anyone.

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-10-11 10:00 AM
To: Rehob, James (ENERGY)
Subject: FW: gov2011.046 draft 1 - passworded
Attachments: gov2011.046 (Greenfield South Power Project).e01PW.doc

Duplicate attachment removed

Hi James,

This is where we are. Password is Lot3Con1. Please come by to discuss next steps.

Carolyn

From: MacNaughton, Catherine (JUS)
Sent: November 8, 2011 2:31 PM
To: Calwell, Carolyn (ENERGY)
Subject: gov2011.046 draft 1 - passworded

Hi Carolyn,

Here is a really rough draft 1 with questions indicating my ignorance, for your review. Password is hopefully what I emailed to you earlier.

Catherine Macnaughton
Legislative Counsel
Office of Legislative Counsel (Ontario)
3600 - 99 Wellesley Street West
Toronto, Ontario M7A 1A1

(416) 326-2787
catherine.macnaughton@ontario.ca

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-10-11 10:08 AM
To: Wilson, Malliha (JUS); Marsello, Leonard (JUS); Compton, Shona (JUS); McKinlay, Tom (JUS)
Cc: Perun, Halyna N. (ENERGY); Slater, Craig (JUS); Wong, Taia (JUS)
Subject: RE: Draft letter

I just heard from DM Lindsay that Art Birchenough is meeting Greg Vogt this afternoon – this letter is no longer in play. Pens down on this one.

Carolyn

From: Wilson, Malliha (JUS)
Sent: November 10, 2011 9:48 AM
To: Calwell, Carolyn (ENERGY); Marsello, Leonard (JUS); Compton, Shona (JUS); McKinlay, Tom (JUS)
Cc: Perun, Halyna N. (ENERGY); Slater, Craig (JUS); Wong, Taia (JUS)
Subject: Re: Draft letter

Comment - but can slow down a bit

Sent from my BlackBerry Wireless Device

From: Wilson, Malliha (JUS)
To: Calwell, Carolyn (ENERGY); Marsello, Leonard (JUS); Compton, Shona (JUS); McKinlay, Tom (JUS)
Cc: Perun, Halyna N. (ENERGY); Slater, Craig (JUS); Wong, Taia (JUS)
Sent: Thu Nov 10 09:36:20 2011
Subject: Re: Draft letter

Have asked Tom to comment as well.

Sent from my BlackBerry Wireless Device

From: Calwell, Carolyn (ENERGY)
To: Marsello, Leonard (JUS); Compton, Shona (JUS)
Cc: Wilson, Malliha (JUS); Perun, Halyna N. (ENERGY); Slater, Craig (JUS)
Sent: Thu Nov 10 09:31:58 2011
Subject: Draft letter

Privileged & Confidential

We have been asked to draft a letter that could go from the OPA's negotiator, Art Birchenough, to Greenfield South Power Corporation as an interim step before formal repudiation of contract. I have attached a draft and would appreciate your review and comments. I have also pasted the draft in below for ease of reference.

This is a link to the Toronto Star story referenced in the letter: <http://www.thestar.com/news/mississauga/article/1083907-power-plant-will-close-even-if-finished-liberals-insist>

Carolyn

CONFIDENTIAL & PRIVILEGED – IN CONTEMPLATION OF LITIGATION -- DRAFT FOR DISCUSSION

Dear Mr. Vogt:

You are aware of the community opposition to the Greenfield South Generation Station and the media coverage of the government's intention to relocate the plant, including a story in today's Toronto Star.

On behalf of the Ontario Power Authority, I have contacted you numerous times with the aim of reaching a satisfactory resolution of the Mississauga Site. You have generally failed to show me the courtesy of a response and you have not responded to the term sheet that the OPA sent to you on November 3rd, despite your promises to do so.

You are ignoring the reality that is apparent for this project. We expected that once we contacted you in effort to reach a resolution for this site, you would understand that construction should come to an immediate stop. The Ontario Power Authority is disappointed that you have been unwilling to commence serious negotiations and have continued with construction on the site.

I ask that you contact me so that we may have meaningful discussions. In light of the apparent circumstances with respect to this project, I respectfully ask you to reconsider your decision to continue construction.

Yours truly,

Art Birchenough

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Cayley, Daniel (ENERGY)

From: Michael Lyle <Michael.Lyle@powerauthority.on.ca>
Sent: November-10-11 10:58 AM
To: Calwell, Carolyn (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: RE: Letter
Attachments: Greenfield South Power Plant OPA Board letter 10 11 2011.doc; greenest2011_english-(custom)verysmall.gif

Attachment appears as image below

As discussed.

Michael Lyle
General Counsel and Vice President
Legal, Aboriginal & Regulatory Affairs
Ontario Power Authority
120 Adelaide Street West, Suite 1600
Toronto, Ontario, M5H 1T1
Direct: 416-969-6035
Fax: 416.969.6383
Email: michael.lyle@powerauthority.on.ca

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From: Calwell, Carolyn (ENERGY) [mailto:Carolyn.Calwell@ontario.ca]
Sent: November 8, 2011 7:01 PM
To: Michael Lyle
Cc: Perun, Halyna N. (ENERGY)
Subject: Letter

Mike, please see further proposed revision.

Carolyn

Carolyn Calwell
Deputy Director
Ministry of Energy & Ministry of Infrastructure
Legal Services Branch
Ministry of the Attorney General
777 Bay Street, Suite 425
Toronto ON M5G 2E5

416.212.5409

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CONFIDENTIAL & PRIVILEGED – DRAFT FOR DISCUSSION

Dear Minister:

I am writing to you on behalf of the Ontario Power Authority's (OPA) Board of Directors with respect to the Greenfield South Power Plant, which the Ministry of Energy procured in 2004. The OPA was subsequently directed to enter into a contract with Greenfield and is now the sole counterparty. The Board clearly understands that the government's intention to relocate the plant as outlined in your letter to the OPA on October 24, 2011. The purpose of this letter is to ensure that the government's intention is met.

The OPA Board of Directors takes very seriously its responsibilities to our contract counter-parties. Like the provincial government, we would like to achieve a resolution for the Greenfield South plant that provides both fair treatment to the counterparty and Ontario ratepayers. We also think it is important that electricity developers generally continue to have confidence to invest in Ontario and that gas-fired generation continues to be accepted as an important, cost-effective and safe part of the province's electricity supply mix. At the same time, we recognize the public concern about the location of this plant and public requests that construction of the plant stop.

After receiving your October 24th letter, the OPA commenced discussions with Greenfield South. To date, the OPA's preferred approach has been to reach an agreement with Greenfield South to stop construction and negotiate an arrangement to relocate the plant or terminate the contract. Since then, it has become clearer that Greenfield South may not agree to such an approach. In light of this, the logical next step appears to be to notify Greenfield South that the OPA will not be proceeding with the contract, which makes termination of the contract a logical next step. ~~The Board of Directors is therefore seeking the Government's support in taking this step.~~

I wish to assure you that, even after taking this step, the OPA will seek to continue discussions with Greenfield South to arrive at an agreement on appropriate compensation. Given our shared interest in ratepayer value, the board would then also like to commence a dialogue with you on the most appropriate way to allocate the compensation between the OPA and the Crown.

I look forward to your reply.

Yours sincerely,

Jim Hinds
Chair

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-10-11 10:10 AM
To: Rehob, James (ENERGY)
Attachments: Instructions.10 11 2011'.doc

My instructions, based on the draft received, so far. I'm off the phone if you now have time.

Carolyn

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Confidential & Privileged

Drafting Instructions – November 10, 2011

Definition

Other structures –municipal services shouldn't be affected (site will ultimately be redeveloped)

Assume land serviced before project commenced [ENE LSB – check that status report]

ENE LSB: Amanda to research Mississauga by-laws re: demolition, remediation

2. Prohibition on continuing construction

If corporation tells its contractors to stop constructing, then we risk contractual interference claims from the contractors. We need to preclude this potential liability.

You addressed prevention of theft and damage to property. We should probably also address Occupiers' liability – corporation remains responsible.

4. Termination of the Agreement

Termination should be effective on the date that the OPA repudiates the contract, November x, 2011 (we will be able to confirm shortly). Contract has been entered into – we don't need to deem it never entered into.

The Corporation self financed – we don't need to address any repayment.

The bill should terminate any contracts that the Corporation has related to work on the site. See comment above re: contractual interference. The policy intent is that Greenfield would be paid its reasonable, sunk costs, which should allow it to then pay its contractors for the work that they had done. Contractors' lost profit will need to be addressed through the compensation provisions.

Query whether we need a provision that requires the Corporation to pay its contractors. Although they aren't precluded from litigation under their contracts, we wouldn't want the Corporation to find a way not to pay them for their costs incurred.

Lenders' rights – ENE LSB to follow up with Malle Hanslep

5. Extinguishment of causes of action

Is "in respect of the project or the site" sufficient to catch contractors?

This section should have effect as of the date of the RFP by which the Corporation was selected for this project. ENE LSB to confirm.

Once the outcome of the site is determined, we will be able to address expropriation – for now, please assume no expropriation (as you have).

6. Compensation

Payment will be made to the Corporation – it would then need to sort out its own obligations to make to contractors and suppliers.

Project development expenses would commence at date of OPA agreement, you proposed. End date for reasonable expenses is the repudiation date.

The expenses incurred by not yet paid would be (i) pursuant to a contract between the Corporation and a third party (ii) for work or equipment to be provided in relation to the project and at the site (iii) unavoidable (for want of a better word) by the Corporation (in other words, if they can mitigate, they must).

I expect that my client will prefer not to address legal fees directly.

Compensation if the Crown takes the land still needs to be determined – one option that I've heard is that Crown will buy for fair market value, as is and then do any post-acquisition work through Infrastructure Ontario.

Accounting should include provision of contracts as well.

Fisher, Petra (ENERGY)

From: Arp, Jeff (ENE)
Sent: November-10-11 11:34 AM
To: Pitkeathly, Doreen (ENERGY)
Cc: Lindsay, Ken (ENERGY)
Subject: medium-sized favour

Doreen,

I have six outstanding correspondence items from September regarding the construction of what we have been calling the Greenfield South gas-fired generating station. It occurred to me that you may have received similar correspondence and sent replies that might allow me to close those files. Would you mind checking for me, and providing any replies that were sent?

E-mails were sent by the following five individuals between Sept 20-22: Ronald Middel, Sandy Schroder, Shiyamala Devan, Christine Sheehan, and Grant Ruffle.

A September 19 letter was sent by Anna Abbruscato on behalf of the Dufferin Peel Catholic DSB.

Sorry for being a tad high-maintenance ☺

Jeff

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-10-11 12:22 PM
To: Rehob, James (ENERGY)
Subject: IESO Approvals - Additional thoughts

Hi James,

For Greenfield, it's not clear to me whether IESO would have granted an "approval" for this project. If approval has been granted, 2 questions: 1) can it be revoked; 2) do we need to include it in the list of approvals in the legislation?

In conversation yesterday, Ryan suggested that Greenfield probably has an agreement with the IESO (or will need one). I wonder if we need to deal with that as well.

Carolyn

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Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: November-10-11 12:24 PM
To: Jennings, Rick (ENERGY)
Cc: King, Ryan (ENERGY)
Subject: RE: gas plant in BC

Rick - thank you. This is helpful. I'd like to provide your text to Malliha as she's likely to want to know about this.

Halyna

Halyna N. Perun
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Ministries of Energy & Infrastructure
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From: Jennings, Rick (ENERGY)
Sent: November 10, 2011 12:13 PM
To: Perun, Halyna N. (ENERGY); Lindsay, David (ENERGY)
Cc: King, Ryan (ENERGY)
Subject: RE: gas plant in BC

No, I don't know specifically what the reference was to.

Glen Clark was Premier from 1996 to 1999, during his term a proposal to build a natural gas line from the Mainland to Vancouver Island went forward this included supply gas to several generators to be built on Vancouver Island. The proposed Port Alberni gas station was to be owned by B.C. Hydro. The proposal for the proposed Port Alberni plant was withdrawn in 2001 from Environmental Assessment but it was not under construction. In any event, the Government would have been able to stop a B.C. Hydro project very quickly.

In 2006, B.C. Hydro awarded two 30 year contracts for coal powered projects. In 2007, the Government announced a new policy that would require coal projects to have carbon capture and storage which is not currently technologically or economically feasible. This effectively killed the projects.

From: Perun, Halyna N. (ENERGY)
Sent: November 10, 2011 9:05 AM
To: Jennings, Rick (ENERGY)
Cc: King, Ryan (ENERGY)
Subject: gas plant in BC

Hi Rick – last night there was a reference to a gas plant being stopped in BC in two days – do you know more about this? I can ask our student to look into this but thought I'd follow up with you to see if you had any further info on how that was stopped – thank you

Halyna

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Cayley, Daniel (ENERGY)

From: Rehob, James (ENERGY)
Sent: November-10-11 12:46 PM
To: Calwell, Carolyn (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: RE: Update on Gas Plant matters

Privileged & Confidential Legal Advice / Solicitor & Client Privileged

November 10, 2011

Hi, Carolyn – Here is an update on matters related to the legislation:

- Just spoke to Catherine McNaughton – she knows we'll be sending instructions by end of day, however she notes that (i) their office is closed tomorrow and, due to renovations and weekend, we likely won't see a next draft until early next week (Monday).
- Conversation with Myra: The highlights of that conversation were:
 - o CLOC (Tom Marshall now retired) felt that there had to be a policy reason *[I read as nexus]* between the proposed Bill to nullify the authorizations, etc. re. Adams Mine and environmental policy. The policy rationale ultimately identified was that Government no longer wanted waste to be injected into lakes. Myra noted that it would be helpful to find an "energy" policy reason, and Myra and I discussed the legitimacy of rationale such as requiring that gas plants no longer be built *close* to populated areas, communities etc. - the notion of amending other legislation to reflect what ever reason is ultimately identified, such as the OEBA and the EA, in order to embed these related amendments into the appropriate legislation. Creating a policy rationale beyond the Adams Mine Act was intended to assist the Crown in fending off ongoing litigation, including trade disputes which might (and did) arise. So far its unclear whether these ancillary amendments have actually reduced litigation risk for the Crown as the one trade dispute that arose appeared to fail on unrelated grounds (failure to identify a US investor).
 - o Our proposal goes beyond the intended scope of the Adams Mine legislation since MOE did not have actual contracts to deal with, but only the extinguishing of previously issued approvals.
 - o Compensation issues were quite difficult and challenging – they took time to settle and (from Myra's recollection) ultimately landed on sunk costs and did not attempt to compensate for lost revenue.
 - o Other changes could be considered including revisiting the OEB's role in addressing environmental and land-use matters (from an energy perspective) in the IPSP – raises issues related to the appropriate scope of OEB authority over environmental matters generally, and in respect of the IPSP in particular.
- Malle – left vm message and sent email, awaiting call-back.
- Resourcing: I may to enlist the assistance of others (David?) in order to address discrete issues – perhaps we can discuss – thanks!

Carolyn, I'm looking into the IESO approvals question and I'll come back to you on that when I have a clearer answer.
James

From: Calwell, Carolyn (ENERGY)
Sent: November 10, 2011 10:10 AM
To: Rehob, James (ENERGY)
Subject:

My instructions, based on the draft received, so far. I'm off the phone if you now have time.

Carolyn

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Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: November-10-11 12:57 PM
To: Jennings, Rick (ENERGY)
Cc: Lindsay, David (ENERGY); King, Ryan (ENERGY); Calwell, Carolyn (ENERGY)
Subject: RE: gas plant in BC

Hi – We received the below information from CLOC – Jamison might have been referring to the Duke Point gas plant – which (a) is not in Glen Clark's time and (b) had an "escape clause" in the contract – which is not the case here. Our student is doing a bit of further research on PO's question.

We understand that the PO is looking for background information on a BC power plant project that was apparently terminated quite quickly and without difficulty. Although MEI has not been able to provide us with any details of the specific case the PO is referencing, we assume that they are thinking of the cancellation of the Duke Point gas plant in 2005.

We have gathered background information regarding the termination of the Duke Point gas plant from media reports available on the internet. The essential elements of the situation seem to be as follows:

In November 2004, BC Hydro announced that it had signed a 25-year "energy purchase agreement" with Duke Point Power LP ("Duke") to build a 262-megawatt gas-fired plant in the Duke Point industrial area of Nanaimo. There was considerable local opposition to the project and, on June 17, 2005, BC Hydro announced that it was abandoning the project. BC Hydro relied on an "escape clause" included in their contract with Duke that allowed them to walk away from the project. While Hydro's official position for terminating the project was "a lack of time to meet the expected short-fall of power", it appears from the media coverage that local opposition and other variables motivated the decision.

We have not been able to locate the precise text of the "escape clause" in the media reports on this matter and, therefore, we are not really in a position to comment on the details of the provision. In any event, the ARCES Contract between the OPA and Greenfield does not include any kind of similar "termination for convenience" provision that the OPA could rely on in this case.

We note that BC Hydro was required to pay Duke \$5.5 million for terminating the agreement. BC Hydro also had to write off \$120 million that it had already invested in the project.

Halyna

Halyna N. Perun
A/Director
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Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
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Cc: King, Ryan (ENERGY)
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Cayley, Daniel (ENERGY)

From: Rehob, James (ENERGY)
Sent: November-10-11 1:50 PM
To: Calwell, Carolyn (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: RE: Update on Gas Plant matters

Privileged & Confidential Legal Advice / Solicitor & Client Privileged

November 10, 2011

Hi, I spoke to Malle Hanslep, Dep Director at MOF,

-Although she indicated that she did not have any specific experience on legislation relating to the cancellation of contracts, she had some helpful insights including

-Contacting the OPA to determine (with precision) who the financiers are, and what follow-on contracts (and parties) would be directly effected by the cancellation, and to seek CLOC's advice regarding the extent to which we can cancel such contracts, extinguish liability and draft defensive provisions accordingly.

-This begs the question as to whether I can speak to the OPA about these issues - perhaps you can let me know if and if so, who, I may contact.

-she noted that there may be some value in discussing the financial aspects with IO who has more experience in lending arrangements;

-She mentioned the *Hydro One: Directors and Officers Act* in relation to the termination of Clitheroe (previous President and CEO of H1) and the H1 Board as another example of "termination" legislation beyond the *Adams Mine Act*. I am now reviewing this legislation in case it provides fodder for drafting, etc.; Malle also mentioned a matter involving Jean Cretien cancelling an air port as well as Bob Rae being sued for promising to cancel some kind of reclamation site – I will try to follow up on these matters as well, as time permits (I may ask Amanda to assist as her time permits).

Confidential - Timing: Both Catherine and Malle discussed with me the potential of including this as a Budget Bill item, although it appears that this years Budget Bill is quite small and I did not pursue issues with her, leaving that open for a further conversation. Neither had any specific information about whether this option was being pursued at the centre.

-I'll cc you both on the instruction set I provide to Catherine.

Thanks!

James

From: Rehob, James (ENERGY)
Sent: November 10, 2011 12:46 PM
To: Calwell, Carolyn (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
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Carolyn

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Cayley, Daniel (ENERGY)

From: Kacaba, Jennifer (ENERGY)
Sent: November-10-11 2:08 PM
To: Calwell, Carolyn (ENERGY)
Subject: FW: Chart for Binder
Attachments: Greenfield South Public Comment - JK edits.doc

Importance: High

[a few small edits in track changes for your consideration](#)

From: Calwell, Carolyn (ENERGY)
Sent: November 9, 2011 6:28 PM
To: Kulendran, Jesse (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Kacaba, Jennifer (ENERGY)
Subject: Chart for Binder

I would suggest that this version would be most preferable, to the extent that we have the opportunity to switch it.

Carolyn

Greenfield South - Public Documents

Policy Rationale:

The 280 MW gas-fired generation facility, under construction at 2315 Loreland Avenue, has received significant local opposition from citizens and local civic leaders from the time of the award of a Clean Energy Supply contract to Greenfield South Power Corporation in 2005 to date. The City of Mississauga has filed resolutions opposing the facility at its current location. In response to this opposition, the government asked the Ontario Power Authority to engage Greenfield South Power Corporation in finding an alternative location for the plant. These discussions, if unsuccessful, may necessitate more prescriptive measures to stop the plant going forward.

The following provides examples of the public comment of which the Ministry is aware on this matter.

Number	Title	Date	Brief Description
1	City of Mississauga Report MG.01.REP EC.14.LOR	January 26, 2006	Staff report to the Council of the City of Mississauga regarding Request for Individual Environmental Assessment Greenfield South Power Project Eastern Power Limited (Ward 1) recommending that the Commissioner of Transportation and Works be authorized to forward a letter to the Minister of the Environment request that the Minister review and vary a decision to deny the request for elevation of the project an individual Environmental Assessment. Documents the City staff's environmental concerns, including municipal water servicing, destruction of the natural environment and non-compliance with the City's Official Plan.
2	Correspondence	March 6, 2006	Correspondence from Markland Homes Association to the Minister of Energy regarding meeting with CHIP and expressing concern about the impact of the Greenfield South Power Project on the community.
3	Correspondence	February and March, 2006	Correspondence from an individual to the Minister of Energy regarding concern about the potential harm of a power plant close to residence.
4	City of Mississauga Minutes of Session 18	October 24, 2007	Report of Closed Session discussion of OMB Decision on Appeals by Greenfield South Power Corporation resulting in a resolution that the City of Mississauga not continue with a Motion

			to the Divisional Court seeking leave to appeal the decision of the Ontario Municipal Board in the matter of certain appeals by Greenfield South Power Corporation.
5	Letter requesting information	July 21, 2008	Letter from Mayor McCallion to Minister of Energy regarding the status of the Eastern Power project so that the citizens who strongly objected to the Eastern Power project may be informed.
6	Letter	August 20, 2008	Letter from Minister of Energy and Infrastructure to Mayor McCallion regarding the status of power procurement activities in the southwest Greater Toronto Area and addressing environmental considerations related to Greenfield South.
7	Correspondence	November 2, 2008	Correspondence from area resident to Minister of Energy and MPP Mississauga - South regarding Town Hall Meeting on 28 th October 2008 and expressing fear about power plants in neighbourhood.
8	Miscellaneous Correspondence	Various, 2009	Correspondence from various individuals to the Minister of Energy and local MPP regarding concern for the Greenfield facility. <u>Most of correspondence is from local residents.</u>
9	Letter enclosing report	September 28, 2009	Letter from Mayor McCallion to Minister of Energy concluding there is no need for this plant based on enclosed report entitled Demand and Supply Considerations Oakville & Mississauga Areas dated September 17, 2009, providing assessment of OPA's load forecasting for the area designated Southwest GTA, an overview of the present and future loads.
10	Why new natural gas power plants are a good fit for the GTA [NOT!]	April 25, 2010	Statement from Mississauga Residents Associations' Network (MIRANET) – Clean Air Subcommittee in response to Toronto Star Opinion Column. Responds to TransCanada's proposal for gas plant in Oakville and expresses concern about natural gas plants generally.
11	Correspondence	May 4 ⁵ , 2010 & <u>May 5, 2010</u>	Letters from Mayors McCallion, Burton and Trainer of Mississauga, Oakville

			and Haldimand respectively to the Minister of Energy expressing concern about fossil fuel generation in the Clarkson Airshed <u>and supporting conversion of Nanticoke into biomass and gas plant.-</u>
12	Miscellaneous Correspondence	October 2010	Correspondence from various individuals <u>(including local residents, a city councilor and a Homes Association)</u> to the Minister of Energy and local MPP regarding concern for the Greenfield facility.
13	City of Mississauga Report EC.14.POW	February 8, 2011	Staff report to Planning and Development Committee regarding Proposed Review of the Land Use Planning Framework for Power Generation Facilities recommending that the Committee provide staff with direction on a preferred scope for a review of the land use planning framework for power generating facilities. Notes that "the issue of power generating facilities and their appropriate location has been a recurrent issue for the last decade".
14	Miscellaneous Correspondence	April, June 2011	Correspondence from various individuals <u>(including local residents, local counselors)</u> to the Premier, various Ministers and MPPs regarding concern for the Greenfield facility, with replies where available.
15	Resolution 0173-2011 of the Council of the City of Mississauga and related Minutes	June 22, 2011	Resolution by the Council of City of Mississauga to request from the Minister of the Environment a Full Environmental Assessment to be conducted on the Greenfield South proposal. Outlines Mississauga Council's concerns over location of the plant in a densely populated urban area and implications for emissions in the Etobicoke Lakeview airshed.
16	Request for Full Environmental Assessment from the City of Mississauga	June 24, 2011	Letter from Mayor McCallion to Minister of Energy regarding Mississauga Resolution 0173-2011 requesting a full Environmental Assessment following the Minister's statement that there would be a review of the Greenfield South power proposal for new environmental evidence. Outlines Mississauga Mayor's concerns over

			location of the plant and concern about health implications for residents of Mississauga.
17	Miscellaneous Correspondence	July 2011	Correspondence from various individuals <u>(including local residents and the Mayor of Mississauga)</u> to the Premier, various Ministers and MPPs regarding concern for the Greenfield facility, with replies where available.
18	Recommendation GC- 0469-2011 of the Council of the City of Mississauga and related Minutes	July 6, 2011	Recommendation adopted by the Council of the City of Mississauga that endorses the report entitled " <i>Provincial Election 2011: Summary of Key Issues for the City of Mississauga</i> " and additional question for provincial political parties as follows: "would your party ensure a full Environmental assessment is conducted on the Greenfield South Power plant proposal" and "will you as a Provincial candidate oppose the construction of the Greenfield South power plant"
19	Greenfield South Power Plant - Council Motion	July 8, 2011	Motion to the Council of the City of Mississauga requesting that Minister of Environment to conduct a Full Environmental Assessment and that the Minister of Energy conduct a full review to determine the necessity of manufacturing 280 MW in a densely populated urban area and consider alternatives to the proposal.
20	Miscellaneous Correspondence	August 2011	Correspondence from various individuals <u>and local residents</u> to the Premier, various Ministers and MPPs regarding concern for the Greenfield facility, with replies where available. <u>Some of the correspondence criticizes a July 28th public information session on the power plant.</u>
21	Letter from the Ontario Liberal Party	August 19, 2011	Letter from Premier McGuinty to Mayor McCallion enclosing responses to the City of Mississauga's provincial election questionnaire.
22	Miscellaneous Correspondence	September 2011	Correspondence from various individuals <u>(including local residents and a school board)</u> to the Premier, various Ministers and MPPs regarding concern for the Greenfield facility, with replies where available.
23	Miscellaneous	October 2011	Correspondence from various

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	Correspondence		individuals <u>(including local residents and the Mississauga Mayor)</u> to the Premier, various Ministers and MPPs regarding concern for the Greenfield facility, with replies where available.
24	Statement from Charles Sousa MPP	October 25, 2011	The government remains committed to the relocation of the plant, as well as developing more rigorous controls for location choices in future projects.
25	Miscellaneous Correspondence	November 2011	Correspondence from various individuals to the Premier, various Ministers and MPPs regarding concern for the Greenfield facility, with replies where available.
26	Petition	To November 7, 2011	Petition to STOP the Sherway Power Plant in Mississauga/Etobicoke as the plant is near a waterway and a hospital and will result in damage to people, the environment and wildlife. Received 2,187 signatures to November 7, 2011
27	Greenfield South Power Corporation - Detailed Chronology	Undated	Chronology of events leading up to the approval and construction of the Greenfield South plant, beginning with the OPA's RFO for 'Clean Energy Supply' in September 2004, prepared by staff of the City of Mississauga. Includes history of zoning by-law appeals to the OMB
Section B			
1	Eastern Power Update - Ward 1 Councillor's Report	Spring/Summer 2006	Reports on site plan approval and release of the holding provision to permit construction of a 280 MW power generating facility.
2	Proposed plant could be online by 2012	March 13, 2009	Reports of Ontario Municipal Board hearing at which the City of Mississauga provided evidence that it made changes to its by-laws as ordered by the OMB in 2007. Documents residents' concerns about lack of public input upon award of contract. Quotes Sherway Homeowners and Recreational Association and Concerned Homeowners for Intelligent Power, which is characterized as a consortium of 8 ratepayers groups.
3	Permit issued for power plant – Mississauga.com	June 1, 2011	Report of building permit issued for construction of the 280 MW power plant and concerns of the Coalition of

			Homeowners for Intelligent Power and the Mississauga Residents' Associations Network related to its location near homes, Trillium Health Centre West Toronto and Etobicoke Creek.
4	Power plant becomes election issue - Toronto Star	June 12, 2011	Following the issuing of the building permit for the plant, which despite the OMB ruling in 2007 was not issued until 2011, residents groups opposing the project, including Markland Wood Homeowners Association, representing 1,300 Etobicoke homes, vowed to make the plant an election issue in the Provincial election. Former Energy Minister and Etobicoke MPP Donna Cansfield announced her intention to fight the project, stating "this plant should not be built while there is any question as to its safety or necessity." Documents concerns of the.
5	MOE to review power plant – Inside Toronto	June 15, 2011	Report of Minister of Environment John Wilkinson's statement that the plans for the power plant would be reviewed in light of recent construction of a new set of condominium towers near the site and reaction of the Coalition Homeowners for Intelligent Power, which has opposed the plant since 2005..
6	Greenfield South Power Plant – Mississauga.com	July 8, 2011	Open letter from Mayor Hazel McCallion and Councillor Jim Tovey detailing the history of the project and stating that the City had run out of options with regard to opposing the proposal once the OMB decision amended the City's Official Plan and Zoning By-law. The Chief Building official was bound to issue a building permit once the project complied with required laws.
7	Calm crowd attended power plant meeting – Inside Toronto	August 12, 2011	Letter to the Editor providing an account of a meeting about the future power plant, characterizing the meeting as "grass roots democracy in action".
8	Group holds power plant rally – Mississauga.com	August 23, 2011	Provides notice of a rally to be held on September 15, 2011 for citizens concerned about the power plant, organized by Coalition of Homeowners for Intelligent Power, apparently

			representing 14,000 homes, with participation from the Mississauga Residents' Associations Network.
9	Residents ramp up power plant fight – Inside Toronto	Sept 16, 2011	Reports that hundreds of residents protested near the plant's location. Discontent has grown since the construction on the site began despite the Environment Minister's pledge to review the approval of the plant obtained in 2008. The purpose of the protest was to urge the Premier to cancel the project. Rally organizers called for residents to make the power plant an issue in the provincial election.
10	Power plant review ongoing – Inside Toronto	Sept 19, 2011	Ongoing environmental review not complete, but residents asking that the review be completed before the Provincial election. Ministry of Environment spokesperson said that it was too early to speculate on when the review will be complete, what the outcome will be, and whether cancellation of the project is an option.
11	Politicians should stop playing with Ontario's electricity –	Sept 29, 2011	Opinion piece by Tom Adams regarding the announcement from the Liberals that if elected, the Greenfield Plant would be relocated. Criticises the announcement as a political move to secure votes, with a lack of information provided regarding costs of the cancellation, including replacement generation. Also criticises the energy-related campaign promises of other political parties. With all 3 parties now in opposition to the plant, there is no debate on the wider issues associated with the cancellation.
12	Construction continues at Mississauga power plant – National Post	Oct 24, 2011	One month after the Liberals decided to halt the Greenfield project, construction is still ongoing. A generator was seen being delivered to the site. Spokesperson for the Ministry stated that there hasn't been time to work out the details of the cancellation yet, but that the government is committed to relocating the plant. Critics remain sceptical that the promise to relocate the plant was genuine.
13	New Generator Unplugged for	Oct 24, 2011	Article with criticism from both PC and NDP leaders on the continued

	Power Plant – Toronto Sun		construction of the plant. Both party leaders state that the longer construction continues, the greater the cost will be to tax payers if and when the plant is relocated.
14	Liberals in talks to move plant – Mississauga.com	Oct 26, 2011	Ministry of Energy spokesman stated that discussions to relocate the plant are taking place, and that no legislation will be required to halt construction of the plant. Criticism by the opposition and residents persists as construction on the plant continues. Refers to Applewood Acres Homeowners Association.
15	Miscellaneous	Between February 2, 2006 and November 2, 2011	Reports from miscellaneous sources related to the Greenfield South power plant.

Section C			
1	Bill 8		Bill 8, The Separation Distances For Natural Gas Power Plants Act, 2010, a Private Members Bill
2	Official Report of Debates (Hansard)	March 22, 2010	Introduction of Bill 8
3	Correspondence	April 23, 2010	Correspondence from an individual to the Premier, the Minister of Energy, the Minister of Environment and MPP in support of Bill 8.
4	Correspondence	March 24, 2011	Correspondence in support of Bill 8.

Fisher, Petra (ENERGY)

From: Rehob, James (ENERGY)
Sent: October-02-12 8:06 PM
To: Rehob, James (ENERGY)
Subject: FW: Research re. Greenfield South Project

From: Rehob, James (ENERGY)
Sent: Thursday, November 10, 2011 2:29 PM
To: Letourneau, Amanda (ENERGY)
Subject: RE: Research re. Greenfield South Project

From: Rehob, James (ENERGY)
Sent: November 10, 2011 2:19 PM
To: Letourneau, Amanda (ENERGY)
Subject: Research re. Greenfield South Project

Privileged & Confidential

November 10, 2011

Hi, Amanda. We're working on some pretty urgent and confidential matters related to the cancellation of the Greenfield South power plant, and I will need your ongoing assistance until we have the Bill in the House. To begin with,

1. Would you please research the by-laws for Mississauga in order to identify (and provide to me) by-laws related to demolition and site remediation? Come and discuss
2. Can you come see me to discuss how we might determine whether land (the Greenfield site, which is part of Lot 3 of Concession 1, Municipal Address is 2315 Loreland Avenue) **has municipal services at the site (such as electricity, sewage, water etc)**

Thanks, and come see me to discuss - James

James P. H. Rehob
Senior Counsel
Ministry of Energy and
Ministry of Infrastructure
Legal Services Branch
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Fisher, Petra (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November-10-11 2:32 PM
To: 'McMichael, Rhonda (CAB)'
Cc: Sharkawi, Rula (ENERGY)
Subject: Mississauga Gas Plant - Media Scan - 20111110.doc
Attachments: Articles - Mississauga Gas Plant 9.26.11-11.10.11.pdf; Mississauga Gas Plant - Media Scan - 20111110.doc

Media clippings
removed

Hi Rhonda –

We've been updating our Greenfield media scan on a regular basis.

Attached is our most recent, in case it's helpful to the 4pm meeting.



Media Scan

Mississauga Gas Plant

September 26, 2010 – November 10, 2011

Media Scan Summary

Date Range of Scan

September 26, 2010 – November 10, 2011

Analysis

- While the issue of a potential gas plant siting on Loreland Avenue in Mississauga had existed since 2007, no activity had taken place since the Ontario Municipal Board ruled against an appeal to stop the plant going ahead, and the issue was dormant until June 2, 2011 when it was revealed that a building permit had been issued to Eastern Power to construct the plant.
- The plant quickly came to be described as an election issue, and sitting local MPP Donna Cansfield (a former energy minister) expressed her opposition to the plant. The Premier's June 20 comment "There's never a wrong time to do the right thing" was often referred to in the weeks and months to come.
- On July 25, it was reported that construction was going ahead on the site. This spurred new criticism from citizens doubtful that the province was likely to stop a plant that was already being built.
- The Liberals announced on September 24 that they would close the plant if re-elected. Initial response to this announcement was critical, seeing the move as a "flip-flop", "desperate" or "cynical". However, after the election, political commentators suggested the move did not harm – and may have benefited – Liberal incumbents in the area.
- On October 24, the Progressive Conservatives drew attention to the ongoing construction of the plant, and freshly appointed energy minister Chris Bentley issued a statement committing to relocate it.
- The issue has continued to be raised since then in scrums with the Premier and Minister Bentley. Both reiterate the government's commitment to relocate the plant but give little other detail about negotiations with Eastern Power.

Key Quotes

Date	Quote	Who	Source
November 9, 2011	"Discussions are still underway. I have nothing new to report at this time."	Premier McGuinty	Media Availability Transcript, November 9, 2011
November 9, 2011	Citizenship and Immigration Minister Charles Sousa, whose Mississauga South riding borders the power plant, emphasized it would close. Before cabinet on Tuesday, he said he could appreciate the concerns that residents have when trucks are rumbling toward the bustling worksite in spite of election campaign assurances. "We are going to have the plant relocated and we are in the process of doing that," said Sousa. "I don't want to divulge things that will compromise the situation."	MPP Charles Sousa	Toronto Star, November 9, 2011
November 9, 2011	"I'm not going to get into the minute-by-minute discussions about various parts of this. It would be my hope to see a resolution to this as quickly and expeditiously as possible."	Energy Minister Chris Bentley	Canadian Press, November 9, 2011

November 2, 2011	"We've committed to relocate the plant. There are discussions ongoing between the OPA and Eastern. I'm hoping for an early as resolution to those discussions as possible, and as fair a resolution to all parties as possible. It would be not be in the interest of either the discussions or the people of Ontario if I engage in a minute-by-minute comment on the proceedings."	Energy Minister Chris Bentley	Pre-Cabinet Scrum Transcript, November 2, 2011
November 2, 2011	"We are working on it. It has been a bit more complicated than we originally anticipated. But we will relocate that plant. [...] Discussions are ongoing. That's all I can say at this point."	Premier Dalton McGuire	Pre-Cabinet Media Availability Transcript, November 2, 2011
October 26, 2011	"It was a dumb place to put it, a dumb place to have it. There was a lot of mistakes. I'm not here to defend it. I'm just here to make sure it gets fixed." "We're going to have it removed. The commitment is that it will be done."	Mississauga South MPP Charles Sousa	Mississauga News, October 26, 2011
October 24, 2011	"The Ontario government is committed to relocating the natural gas plant originally planned for Mississauga. The government will work with the company to find a suitable location for this plant. More information will become available as discussions progress."	Energy Minister Chris Bentley	Minister's Office
September 24, 2011	"A re-elected Liberal government will move swiftly and without delay to work with the developer to move this plant away from homes, schools and hospitals."	Mississauga South MPP Charles Sousa	National Post, "Construction hasn't stopped at Mississauga power plant", October 24, 2011
February 12, 2011	"There is a continuing, productive conversation with TransCanada ... There's really nothing to report by way of specifics at this point in time."	Premier Dalton McGuire	Toronto Star
October 2010	"I'm proud to be a part of a government that has listened to this community and made the responsible choice to protect our sensitive airshed. I'm very happy to say that no new gas plant will be built in Oakville or Mississauga."	Mississauga South MPP Charles Sousa	Toronto Star, June 13, 2011
October 2010	Changes in the province's electricity picture since the Oakville plant was proposed "made it clear this proposed natural gas plant is no longer required."	Energy Minister Brad Duguid	Toronto Star, June 13, 2011

October 7, 2010	<p>The 900-megawatt Oakville facility, adjacent to the Ford factory and one kilometre from homes and schools, was no longer needed. "Nor will this plant be moving forward elsewhere in the GTA." Duguid said extra power the Oakville area needs in future will come through transmission lines, but wasn't specific on what that would entail.</p> <p>However, circumstances are "completely different" for a power plant in York region, the minister stressed. That contentious facility, to be built on a flood plain in a Progressive Conservative riding, is still going ahead.</p>	Energy Minister Brad Duguid	Toronto Star
October 7, 2010	<p>The Liberals are expected to say the Oakville plant was approved at a time when there "was a need to replace coal and to address needs of local reliability" for the electricity supply.</p> <p>"This is no longer the case and there is no need for a gas plant in the southwest GTA" and electricity to meet the area's needs can now be carried in on transmission lines from elsewhere, a government insider said.</p>	Unnamed government spokesperson	InsideHalton
October 7, 2010	<p>"As we're putting together an update to our Long-Term Energy Plan, it has become clear we no longer need this plant in Oakville. With transmission investments we can keep the lights on and still shut down coal-fired generators."</p>	Energy Minister Brad Duguid	InsideHalton
October 7, 2010	<p>"Our new Long Term Energy Plan will reflect changes in supply and demand over the last few years and in putting together this Long Term Energy Plan it has become clear that the Province no longer needs this proposed natural gas plant here in Oakville. Four years ago, when the need for this plant was first identified we were working to address local reliability issues and the need to build cleaner supply as we phased out dirty coal fire generation by the end of 2014. I am pleased to share with all of you today that because of the changes in demand and the progress of our plan, because of the power we are saving</p>	Energy Minister Brad Duguid	InsideHalton

	through our conservation programs and because of the investments we've made that have increased supply from clean and renewable resources, reliability has been strengthened."		
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Key Articles	
Media Outlet	Summary
Toronto Star November 10, 2011 Robert Benzie	Power plant will close even if finished, Liberals insist – Robert Benzie reports the Liberal Party insists a power plant still being constructed in Mississauga will be closed even if the plant is completely built. Energy Minister Chris Bentley said Tuesday that the province is committed to relocating the plant and that he has no new progress to report. Premier Dalton McGuinty echoed the statement, adding, "Discussions are still underway." Citizenship and Immigration Minister Charles Sousa, MPP for Mississauga South, which borders the power plant, said Tuesday that he understands the concerns of residents, but refused to comment on the ongoing discussions over concerns that that could "compromise the situation." Progressive Conservative MPP Jim Wilson (Simcoe-Grey) said the Premier "misled" Ontarians, and that every additional day of construction work is costing taxpayers. Because negotiations between the OPA and Eastern are supposedly continuing, Wilson said the government could easily go to court to get a stop-work order and halt construction.
Waterloo Region Record November 5, 2011 Editorial	Liberals bungle new power plant – An editorial in the Waterloo Region Record says that whether the Ontario Liberals keep building a new power plant in Mississauga or honour their promise to kill it, they have exposed themselves as inept managers of a major public project. Either way, they will have botched an important part of their energy policy - an area in which they are supposedly experts. And if the Greenfield South gas-fired power plant is axed, they will waste a shocking amount of money - how much they refuse to say - in a year Ontario faces a \$16 billion deficit.
Toronto Star November 3, 2011 Robert Benzie and Rob Ferguson	Hard to stop gas-fired plant in Mississauga, Liberals admit - Yesterday, Premier Dalton McGuinty the relocation of the Mississauga gas plant has been "a little bit more complicated" than the Liberal Party originally expected. During a tense exchange with reporters yesterday, Energy Minister Chris Bentley refused to get into specifics on the talks apparently going on between the Ontario Power Authority (OPA) and Eastern Power, which is still building the plant. PC Leader Tim Hudak has warned the government is "making the (financial) hole ever worse" by drawing out the move of the plant.
Toronto Sun October 28, 2011 Christina Blizzard	Rural Ontario zapped by Grit power policy - Toronto Sun columnist Christina Blizzard suggests that the government's promise to relocate the Greenfield South power plant "makes it sound as if some giant crane will come along, pluck it up in one piece from the residential area where it's now located and plunk it down in a field close to nowhere. That's not going to happen. The plant was well on its way to completion. Changing plans now will cost hundreds of millions of dollars --a disgraceful waste of time and money." Blizzard calls on the Minister to have some courage when it comes to where cancelled power plants in Mississauga and Oakville

	will now be located, noting, "Sure, you don't place a gas-powered plant next to a school. But sometimes, you have to do the right thing and put it close to a residential area."
National Post October 25, 2011 Tristin Hopper	Construction hasn't stopped at Mississauga power plant - Construction is still underway at a gas-fired Mississauga power plant the Ontario Liberals promised to move during the recent provincial election. Conservative Leader Tim Hudak says the arrival of a huge generator at the site of the Mississauga power plant will make the facility even more expensive to relocate and is questioning why construction is continuing on the site after the Liberal government promised to relocate the plant. He is also concerned about how much the province will be forced to pay in compensation to plant owner Greenfield South Power Plant. Hudak said, "This Mississauga power plant was supposed to have been cancelled by Dalton McGuinty during the election campaign. It's now 18 days later and the plant is . . . (still being) built. In fact, this is the most expensive component of what's probably a \$300 million to \$400 million project. Are they now breaking a promise only three weeks after the election?"
September 29, 2011 The Globe and Mail Adam Radwanski	Liberal Leader's decisive image takes shock from power-plant pledge – Adam Radwanski writes that the Liberals gave the appearance of panic by promising to scrap a gas-fired power plant being built in Mississauga - undermining the "steady hand at the tiller" pitch the two-term Premier has been making to voters. Uncertainty about the plant's future - the Liberals have said it will be "moved" - also adds to the sense, says Radwanski, that Mr. McGuinty is flying by the seat of his pants.
September 29, 2011 National Post Tom Adams	Stop playing with Ontario's electricity - Tom Adams is critical of the Liberal party commitment to relocate the planned gas plant for Mississauga, and argues that because all three parties support not locating a plant in Mississauga there will be no debate on the wider issues associated with the cancellation of the generator, specifically regarding political interference with energy planning. He cites the most recent 18-month outlook from the IESO which states "A new natural gas generation plant is essential in the southwest GTA. It is critical for supporting the elimination of coal-fired generation by 2014 and to meet the electricity needs of a region whose peak load has grown more than twice as quickly as the provincial average."
September 27, 2011 Toronto Star Editorial	Energy NIMBYs win – A Toronto Star editorial writes that it's all too predictable that Liberal Leader Dalton McGuinty is promising to pull the plug on a gas-fired power plant in Mississauga. An earlier editorial in this space said that on the eve of a provincial election, in a hotly contested riding, there was no practical way the government would hold firm. As if on cue, less than two weeks before voting day, the Liberals announced that "a compelling local argument," plus nearby condo expansion, led them to conclude that the plant was ill-advised. McGuinty insisted the reversal's pre-election timing was a coincidence. One wonders how he could keep a straight face. The retreat marks the second time in less than a year that McGuinty's government has given up on building a power plant serving the southwest Greater Toronto Area. Last October the government axed a 900-megawatt gas-fired plant proposed for Oakville after strong opposition from well-heeled residents. This from a premier who once boldly declared that "NIMBYism will no longer prevail" in his Ontario.
September 25, 2011 Canadian Press Diana Mehta	McGuinty defends scrapping power plant as PCs pounce on 'desperate' Liberals - A quiet weekend pledge to scrap a gas-fired plant west of Toronto forced Ontario's election-minded premier onto the defensive Sunday as his political rivals slammed the move as a crass attempt at grabbing votes. In a barely publicized announcement on Saturday, four local Liberal candidates made the promise to stop

	<p>construction of the 280-megawatt natural gas-powered facility in Mississauga, Ont. At a campaign stop, Premier Dalton McGuinty gamely defended the decision amid questions about the timing of the low-key announcement that came less than two weeks before the Oct. 6 vote. McGuinty said the community had changed significantly since the plant was proposed in 2005, which was why his party had changed tack. But the opposition parties pounced on the move, with Tory Leader Tim Hudak denouncing McGuinty's "latest flipflop."</p>
<p>Toronto Star June 21, 2011 San Grewal</p>	<p>Power plant in doubt, McGuinty hints - Ontario Premier Dalton McGuinty hinted Monday that the controversial construction of a gas-fired power plant on the Toronto-Mississauga border might not go ahead. "There's never a wrong time to do the right thing and that's what we'll do," McGuinty told reporters.</p>
<p>Mississauga News June 9, 2011 MPP Donna Cansfield (Letter)</p>	<p>Oppose the power plant - In a letter to the editor, MPP and former energy minister Donna Cansfield writes that she feels MPP are responsible to their constituents first and foremost. She writes that the proposed Mississauga gas power plant, while not located inside Etobicoke, will impact the quality of local air and residents are right to be concerned. The plant is similar many respects to the cancelled Oakville plant, she says: both were planned to provide power to the same region, both sites are located close to residential areas including schools and parks, and both represent risks to the same air shed. With the cancellation of the Oakville plant, and with work still being done on developing Ontario's Long-Term Energy Plan, this plant should not be built while there is any question as to its safety or necessity.</p>
<p>Toronto Star June 6, 2011 San Grewal</p>	<p>Residents steamed over plant plan - San Grewal reports for the Toronto Star that some Mississauga residents are furious to hear a building permit has been issued to construct a gas-fired power plant in an environmentally sensitive area. "I was shocked when I heard the permit was issued," said Dr. Boyd Upper, a resident who has fought the project for years. He said residents thought the plan was dead because nothing had happened since 2007, when Eastern Power Ltd. won the right to build the plant in an Ontario Municipal Board ruling that went against the city.</p>
<p>Mississauga News June 2, 2011 Chris Clay</p>	<p>Permit issued for power plant - Chris Clay reports that the City of Mississauga issued a building permit on Monday that allows construction of a 280-megawatt power plant on Loreland Ave, near the Mississauga/Etobicoke border, to begin. Ward 1 Councillor Jim Tovey said, "It's a terrible location," said Tovey. "Because of the OMB decision, the City had to issue the permits. It's pretty frustrating." Tovey said there's nothing more the City can do to stop the project and hopes the provincial government steps in. But he doesn't think that's likely to happen.</p>

Fisher, Petra (ENERGY)

From: Silva, Joseph (ENERGY)
Sent: November-10-11 2:42 PM
To: Lindsay, David (ENERGY)
Subject: FW: letters

Fyi Deputy

From: Silva, Joseph (ENERGY)
Sent: November 10, 2011 2:40 PM
To: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY)
Cc: Dunning, Rebecca (ENERGY)
Subject: RE: letters

Rebecca just handed me an envelope address to Minister Bentley. I did not open and gave to his Chief of Staff, who indicated let's go ahead and put a hold for a meeting this afternoon to discuss letters.

Rebecca – he was with someone, so I could not get a time that would work for him. Does Maria have access to his calendar?

From: Calwell, Carolyn (ENERGY)
Sent: November 10, 2011 1:56 PM
To: Silva, Joseph (ENERGY); Perun, Halyna N. (ENERGY)
Cc: Dunning, Rebecca (ENERGY)
Subject: RE: letters

I understand from Mike Lyle that the OPA will be hand delivering Mr. Hinds' letter to the Minister to the DMO very shortly.

Carolyn

From: Silva, Joseph (ENERGY)
Sent: November 10, 2011 1:37 PM
To: Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY)
Cc: Dunning, Rebecca (ENERGY)
Subject: FW: letters

FYI

Halyna – you're on same page with DM. We'll need to show what we've got to the MO. Can you push MAG then to give us the products for a meeting this PM? Thanks a million

From: Silva, Joseph (ENERGY)
Sent: November 10, 2011 1:36 PM
To: MacLennan, Craig (ENERGY)
Cc: Dunning, Rebecca (ENERGY)
Subject: RE: letters

Hi Craig – we'd like to show you the letters as they currently stand, as long as the record of materials. Perhaps if you're comfortable with the products, you can then bring to Minister Bentley and facilitate his review/signature over the weekend (in case it's needed over the weekend). Can you do a quick meeting at 4 PM?

From: Silva, Joseph (ENERGY)
Sent: November 10, 2011 11:26 AM
To: MacLennan, Craig (ENERGY)
Subject: Re: letters

Okay, thanks, good to know. Once the drafts get finalised, I/David will bring them to you. Did you want/able to accommodate a formal time set aside with legal in room?

Sent using BlackBerry Wireless

From: MacLennan, Craig (ENERGY)
To: Silva, Joseph (ENERGY)
Sent: Thu Nov 10 11:24:39 2011
Subject: Re: letters

If we have to we can always bring the letters to him.

Cm

From: Silva, Joseph (ENERGY)
To: MacLennan, Craig (ENERGY)
Sent: Thu Nov 10 11:14:56 2011
Subject: Fw: letters

Hi craig - fyi. Is the Minister here today? If he's not in, do we wait until Monday? Thanks very much

Sent using BlackBerry Wireless

From: Dunning, Rebecca (ENERGY)
To: Silva, Joseph (ENERGY)
Sent: Thu Nov 10 11:13:16 2011
Subject: RE: letters

I don't think the Minister is here today.

From: Silva, Joseph (ENERGY)
Sent: November 10, 2011 11:11 AM
To: Perun, Halyna N. (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Dunning, Rebecca (ENERGY)
Subject: letters

Hi Halyna – the DM flagged that we're getting close on the letters from M to OPA and vice versa. We'll need to set time aside for a final walk-thru of letters and to get M signature today. Can you let me know when you think we can be ready to set this meeting up?

Rebecca – we'll need to put a hold in M calendar for a meeting, half-hour I think on vapour lock letters.

Joseph Silva

Executive Assistant (A) to the Deputy Minister of Energy

Hearst Block 4th Flr, 900 Bay St, Toronto ON M7A 2E1

Tel: 416-325-2371 , Email: Joseph.Silva@ontario.ca

CONFIDENTIAL & PRIVILEGED – DRAFT FOR DISCUSSION

Dear Minister:

I am writing to you on behalf of the Ontario Power Authority's (OPA) Board of Directors with respect to the Greenfield South Power Plant, which the Ministry of Energy procured in 2004. The OPA was subsequently directed to enter into a contract with Greenfield and is now the sole counterparty. The Board clearly understands that the government's intention is to relocate the plant as outlined in your letter to the OPA on October 24, 2011. The purpose of this letter is to ensure that the government's intention is met.

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The OPA Board of Directors takes very seriously its responsibilities to our contract counter-parties. Like the provincial government, we would like to achieve a resolution for the Greenfield South plant that provides both fair treatment to the counterparty and Ontario ratepayers. We also think it is important that electricity developers generally continue to have confidence to invest in Ontario and that gas-fired generation continues to be accepted as an important, cost-effective and safe part of the province's electricity supply mix. At the same time, we recognize the public concern about the location of this plant and public requests that construction of the plant stop.

After receiving your October 24th letter, the OPA commenced discussions with Greenfield South. To date, the OPA's preferred approach has been to reach an agreement with Greenfield South to stop construction and negotiate an arrangement to relocate the plant or terminate the contract. Since then, it has become clear that Greenfield South may not agree to such an approach. In light of this, the logical next step appears to be to notify Greenfield South that the OPA will not be proceeding with the contract.

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I wish to assure you that, even after taking this step, the OPA will seek to continue discussions with Greenfield South to arrive at an agreement on appropriate compensation. Given our shared interest in ratepayer value, the board would then also like to commence a dialogue with you on the most appropriate way to allocate the compensation between the OPA and the Crown.

I look forward to your reply.

Yours sincerely,

Jim Hinds
Chair

**CONFIDENTIAL & PRIVILEGED – IN CONTEMPLATION OF LITIGATION -- DRAFT
FOR DISCUSSION**

Dear Mr. Hinds:

In response to your letter of November 10, 2011 and in recognition that community opposition to the Greenfield South Generation Facility is ongoing and well documented, I am writing to acknowledge the OPA's efforts to negotiate with the developer of the facility, Greenfield South Power Corporation, with an aim to achieving a satisfactory resolution concerning the Mississauga site. The government remains committed to having the plant relocated.

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I have given careful consideration to public statements, correspondence to the government and resolutions of the Council of the City of Mississauga. While full recognition must be given to rate-payer value and the fair treatment of contractual counterparties, as suggested in your letter, in light of the strong and persistent opposition to the plant, the government supports the OPA's decision to not proceed with the contract and any other appropriate commercial and other steps that the OPA must take in seeking to stop construction of the gas plant at its current location.

The circumstances in Mississauga are unique. The government remains committed to a strong, stable supply of electricity for Ontario and continued support of those making investments in Ontario's electricity system.

Sincerely,

Chris Bentley,
Minister

Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: November-10-11 2:48 PM
To: Lindsay, David (ENERGY)
Cc: Silva, Joseph (ENERGY); Calwell, Carolyn (ENERGY)
Subject: Letters
Attachments: Greenfield South Power Plant OPA Board letter 10 11 2011 (f).doc; Energy Letter to the OPA.10 11 2011.(f).doc

Duplicate attachments removed

Privileged and Confidential

As discussed, we understand that the OPA is sending their letter to the Minister today (sounds like it's already arrived). The "OPA Board" letter attached is what we expect it to look like but as the OPA held the pen on this one, there may be differences. The Energy Minister's letter (also attached) is still in approvals at MAG. We have advised MAG of time pressures

Before the Minister signs the proposed letter to the OPA, the Minister should review the record prepared. That record will be delivered soon.

Halyna

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Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: November-10-11 3:14 PM
To: Wilson, Malliha (JUS)
Cc: Calwell, Carolyn (ENERGY)
Subject: FW: URGENT APPROVAL REQUEST - OPA Letters
Attachments: Greenfield South Power Plant OPA Board letter 10 11 2011.doc; Energy Letter to the OPA.10 11 2011.doc
Importance: High

Duplicate attachment removed

Hi Malliha – We'll need to know about the "Energy Letter to the OPA" by **4 p.m.** – the main change from yesterday's DAG approved version is that as the word "terminates" the contract is removed from the proposed OPA letter to the Minister (i.e. instead it's the OPA will not be proceeding with the contract...), the Energy letter mirrors the new language and refers to the OPA's decision "not to proceed with" the contract.

Please let me know if we have the go-ahead on this version. CLOC did not have any substantive comments on this letter.

Halyna

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Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November-10-11 4:09 PM
To: Calwell, Carolyn (ENERGY); King, Ryan (ENERGY)
Subject: Urgent: 4:00 PM Meeting
Attachments: QA - repudiationNov09 POLICY-OPA Revisions - 11-10-11.doc

Hi carolyn and ryan - in mtg and can't read attached on bb. Are you able to review and let me know if you have any concerns with OPA's suggested changes asap. Thank you.

Sent from my BlackBerry Wireless Handheld

From: McMichael, Rhonda (CAB)
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Sent: Thu Nov 10 16:01:05 2011
Subject: FW: 4:00 PM Meeting

Can you take a look and pass thru your legal? thanks.

From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]
Sent: November 10, 2011 3:22 PM
To: abirchenough@cogeco.ca; Colin Andersen; Lindsay, David (ENERGY); Michael Lyle; JoAnne Butler; Imbrogno, Serge (OFA); Mayman, Gadi (OFA); Segal, Murray (JUS); Livingston, David (IO); Betzner, Lynn (CAB); Wallace, Peter (FIN); Hume, Steen (CAB); McMichael, Rhonda (CAB)
Cc: Amaral-Costa, Maria (CAB)
Subject: RE: 4:00 PM Meeting

Attached are OPA's proposed revisions to the messaging and Qs and As circulated yesterday.

Kristin

Kristin Jenkins | Vice President, Corporate Communications | **Ontario Power Authority** | 120 Adelaide Street West, Suite 1600 | Toronto, ON M5H 1T1 | tel. 416.969.6007 | fax. 416.967.1947 | www.powerauthority.on.ca

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Greenfield Contract Termination (Repudiation)
November 9, 2011

MEDIA PROTOCOL

Generally the Minister's Office responds to strategic questions and OPA responds to operational questions.

Strategic - Minister's Office (Minister or Erika Botond)

- Government's decision to relocate the plant
- Government's commitment to relocate the plant.

Operational - OPA (Colin Andersen or Kristen Jenkins)

- Status of contract negotiations, and process for finding another site
- History of Eastern site selection (required approvals, public consultation, etc).

Process

- The OPA immediately notifies the Ministry of Energy of any Greenfield-related media call (Communications Director, Media Manager and Spokesperson).
- The Ministry immediately notifies Minister's Office, Deputy Minister's Office, Legal and Cabinet Office.
- The OPA submits proposed responses; the ministry secures approvals (Cabinet Office, DMO, Legal, Policy).
- The Minister's Office confirms who responds and how (phone/email).

WHO SAYS WHAT – General Guidelines

	MINISTER	OPA
Key Messages	<p>I understand that the OPA has had discussions with the proponent (Eastern Power). The OPA has notified Eastern that the OPA will not proceed with the contract.</p> <p>The OPA will continue to look for another site for the gas plant.</p> <p>The government will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.</p>	<p><u>After pursuing discussions to reach a negotiated agreement, we have notified Eastern that the OPA will not proceed with the contract.</u></p> <p><u>We are seeking to continue discussions with Eastern on next steps. Contract negotiations are commercially sensitive and we cannot provide any additional information on these discussions at this time.</u></p> <p>We will continue to look for another site for the gas plant.</p> <p>Once potential sites have been identified, the public will be consulted before a final decision is made.</p>
Contract Termination		
Who terminated the contract?	<u>Following discussions with Eastern Power, OPA decided not proceeding with the contract was an appropriate next step.</u>	<u>After pursuing discussions to reach a negotiated agreement, we have notified Eastern that the OPA will not proceed with the contract.</u>
Why was the contract terminated? Were other solutions not viable?	<p>I understand the OPA has had discussions with the proponent (Eastern Power) and has notified them that the OPA will not proceed with the contract.</p> <p>Contract negotiations are commercially sensitive. These discussions are confidential. We are confident the OPA negotiated <u>is working</u> in the best interests of Ontarians.</p>	<p><u>We have notified Eastern Power that we will not be proceeding with the contract.</u></p> <p><u>The government has been clear that its intention is to have the plant relocated. Given the government's intention, and following discussions with Eastern, OPA decided not proceeding with the contract was the appropriate next step.</u></p>
Did the OPA terminate the contract at the government's request?	<u>The OPA, as the contract holder, has been in discussions with Eastern Power to resolve this matter in the best interests of Ontarians. Following discussions with Eastern Power, OPA decided not proceeding with the contract was an appropriate next step.</u>	<u>The government has been clear that its intention is to have the plant relocated. Given the government's intention, and following discussions with Eastern,</u>

<p>Why wasn't the contract terminated sooner?</p>	<p>Discussions began as soon as they could between OPA and Eastern. This decision is the result of those discussions.</p>	<p>OPA decided not proceeding with the contract was the appropriate next step Contract negotiations are commercially sensitive. These discussions are confidential. We have negotiated in the best interests of Ontarians.</p> <p><i>We initiated discussions with Eastern Power as soon as we received the Minister's letter asking us to begin discussions. This decision. Not proceeding with the contract is the result of these discussions.</i></p>
<p>If the OPA is terminating the contract, how can you get the company (Eastern) to work with the OPA to relocate the site?</p>	<p>The OPA is in<u>will seek further</u> discussions with Eastern Power and we expect them to find a satisfactory resolution.</p>	<p>We are in<u>will seek further</u> discussions with the proponent.</p>
<p>Will Eastern Power be the company to build the relocated plant? Do you have assurances from them on that?</p>	<p>At this time, I<u>the OPA is in will seek further</u> discussions with Eastern Power to find a satisfactory resolution.</p>	<p>We are in<u>will seek further</u> discussions with Eastern Power and hope to reach a satisfactory resolution.</p>
<p>Will you put this back out to tender?</p>	<p>At this time, I<u>the OPA is in discussions will seek further discussions</u> with Eastern Power to find a satisfactory resolution.</p>	<p>We will seek further discussions with Eastern Power and hope to reach a satisfactory resolution.</p>

<p>What is the process for finding another site?</p>	<p>The OPA is best able to answer this. We can confirm that the site selection will include public consultation.</p>	<p>We will consider available locations, local generation needs and transmission and distribution support. Once options are identified, the public will be consulted. The process has not been finalized but will consider local generation needs and transmission and distribution support. Once options are identified, the public will be consulted.</p>
<p><u>Construction</u></p> <p>Now that the OPA has terminated the contract, will work stop at the site?</p> <p>Will legislation be required to stop construction?</p> <p>Minister, your spokesperson said that legislation was not needed, is this true?</p>	<p>My understanding is that the OPA has notified the proponent that it is not proceeding with the contract. The OPA continues to have discussions about stopping work at the site.</p> <p>Legislation is an option, however, the best option, and the one we are choosing at this time, is to have the OPA work with Eastern Power to find satisfactory resolution.</p> <p>It is our expectation the OPA and Eastern Power will work together to find a satisfactory resolution.</p> <p>The best option, and the one we are choosing at this time, is to have the OPA work with Eastern Power to find satisfactory resolution to the site.</p>	<p>We have notified Eastern that we are not proceeding with the contract. We <u>will seek</u> further <u>discussions</u> about stopping work at the site.</p> <p>The government is best able to answer that question.</p> <p>We <u>will see further</u> are in discussions and hope to reach a satisfactory resolution.</p> <p>The government is best able to answer that question.</p>

<p><u>Contract Value</u></p> <p>Why should anyone want to contract with OPA or government after this?</p> <p>What's the status of negotiations with TransCanada?</p> <p>Will the cost of these contract cancellations be made public knowledge at some time?</p>	<p>The government and our agencies have successful track records for negotiating and fulfilling contracts in the best interest of Ontario taxpayers. This is a unique case and should not be used to apply to other contracts or issues.</p> <p>Like any other business, energy partners work together to respond to changing conditions. Contracts are renegotiated or terminated on a small and large scale across businesses of all types.</p> <p>The OPA is in discussions<u>Discussions</u> with TransCanada <u>continue</u>. We do not have an update at this time.</p> <p>Our government is committed to conducting business in an open and transparent manner. We will provide what we can when we can.</p>	<p>Our agency OPA has a successful track record for negotiating and fulfilling contracts in the best interest of Ontario taxpayers-ratepayers.</p> <p><i>This is a unique case and should not be used to apply to other contracts or issues.</i></p> <p>We are in Ddiscussions with TransCanada <u>continue</u>. We do not have an update at this time.</p> <p><i>Contracts are commercially sensitive. It is up to the proponent to determine what they are willing to make public and <u>when</u>.</i></p>
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Comment [01]: Is this accurate?

Fisher, Petra (ENERGY)

From: MacCallum, Doug (ENERGY)
Sent: November-10-11 4:12 PM
To: King, Ryan (ENERGY)
Cc: McKeever, Garry (ENERGY); Chapman, Tom (ENERGY)
Subject: RE: FOLLOW-UPS: Minister's Briefings

I note on slide 15 there's a reference to Greenfield South being in the IPSP. No specific edit, but that will need to be addressed in the presentation.

Doug

From: King, Ryan (ENERGY)
Sent: November 10, 2011 9:00 AM
To: Chapman, Tom (ENERGY); Bishop, Ceiran (ENERGY); MacCallum, Doug (ENERGY); Jobe, Cedric (ENERGY); Nakahara, Ken (ENERGY)
Cc: Norman, Jonathan (ENERGY); McKeever, Garry (ENERGY)
Subject: FW: FOLLOW-UPS: Minister's Briefings

Unrelated content removed

From: Hellin, Matthew (ENERGY)
Sent: November 9, 2011 4:57 PM
To: Collins, Jason R. (ENERGY); King, Ryan (ENERGY)
Cc: Krstev, Viki (ENERGY); Sermat-Harding, Kaili (ENERGY); Cross, Annamaria (ENERGY)
Subject: RE: FOLLOW-UPS: Minister's Briefings

Hi Ryan, Jason,

Unrelated content removed

Thanks very much.

Matt

From: Cross, Annamaria (ENERGY)
Sent: November 9, 2011 11:16 AM
To: Collins, Jason R. (ENERGY); King, Ryan (ENERGY)
Cc: Krstev, Viki (ENERGY); Hellin, Matthew (ENERGY)
Subject: FOLLOW-UPS: Minister's Briefings
Importance: High

Unrelated content removed

Fisher, Petra (ENERGY)

From: Letourneau, Amanda (ENERGY)
Sent: November-10-11 4:19 PM
To: Perun, Halyna N. (ENERGY)
Cc: Rehob, James (ENERGY)
Subject: RE: gas plant in BC

Categories: Green Category

Hi Halyna,

I could not find anything relating to any cancellations between 1996 and 1999. Regarding the Duke Point Power Plant that was cancelled in 2004, I could not find legislation relating to the cancellation. I found Hansard excerpts that state that it was not the government's decision to cancel the project but a decision by BC Hydro:

G. Gentner: The Utilities Commission's hearings were not quite complete before the government pulled the pin on the project, so why didn't Hydro wait a few more weeks?

Hon. R. Neufeld: The government did not pull the pin. I want to get that clearly on the record. That was a decision by B.C. Hydro to actually cancel that contract.

G. Gentner: Why did B.C. Hydro pull the pin, and why didn't it wait a few extra weeks for the completion of the Utilities Commission's hearings?

Hon. R. Neufeld: The reasons are well known via press release from B.C. Hydro with the reasons that they cancelled the contract. They were already five months into a process that had been appealed. They made a business decision in the best interests of the ratepayers that they should cancel that, because there would be a much shorter period than there may be if, in fact, the hydro lines that go across to the Island actually failed. It's a pretty short period of time to when they thought, or to when they know, they can get electricity provided by new cables by BCTC across the water. It became a decision, interestingly enough — something that started in 1994 and still wasn't complete in 2004.

I think Hydro was very patient in trying to get through that process to make sure there was electricity on Vancouver Island, and the best interests over that period of time decided that BCTC should build cables to Vancouver Island.^[1]

The decision came shortly after the BC Court of Appeal granted leave to appeal the BC Utilities Commission's decision to approve the project in *Joint Industry Electricity Steering Committee v. British Columbia (Utilities Commission)* [2005] B.C.J. No. 1321.

That's all the information I could find that CLOC hadn't already provided. If you have any questions or you'd like me to spend more time on this let me know.

Thanks,

Amanda

From: Perun, Halyna N. (ENERGY)
Sent: November 10, 2011 12:41 PM
To: Letourneau, Amanda (ENERGY)
Cc: Carson, Cheryl (ENERGY); Rehob, James (ENERGY)
Subject: FW: gas plant in BC

Privileged and Confidential

Hi Amanda – Please see below. Could you please find out if there was any legislation in B.C. that dealt with stopping a gas plant?

I don't want to send you on a wild goose chase – so maybe James can assist. Last evening, at a meeting with the Premier's Office, there was a reference to a gas plant that Glen Clark was able to stop in two days and we were asked why this was not possible in Ontario. I wanted to get a sense of what might have been at play in B.C. Anyway, you'll see from Rick Jennings's response that we're likely to be looking at a 1996-1999 timeframe; or in fact, the reference could have been to the 2007 policy pertaining to carbon capture and storage (which had nothing to do with Glen Clark or gas!). Anyway – please give it a try.

As this request pertains to the Mississauga gas plant, it's urgent.

Halyna

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From: Jennings, Rick (ENERGY)
Sent: November 10, 2011 12:13 PM
To: Perun, Halyna N. (ENERGY); Lindsay, David (ENERGY)
Cc: King, Ryan (ENERGY)
Subject: RE: gas plant in BC

No, I don't know specifically what the reference was to.

Glen Clark was Premier from 1996 to 1999, during his term a proposal to build a natural gas line from the Mainland to Vancouver Island went forward this included supply gas to several generators to be built on Vancouver Island. The proposed Port Alberni gas station was to be owned by B.C. Hydro. The proposal for the proposed Port Alberni plant was withdrawn in 2001 from Environmental Assessment but it was not under construction. In any event, the Government would have been able to stop a B.C. Hydro project very quickly.

In 2006, B.C. Hydro awarded two 30 year contracts for coal powered projects. In 2007, the Government announced a new policy that would require coal projects to have carbon capture and storage which is not currently technologically or economically feasible. This effectively killed the projects.

From: Perun, Halyna N. (ENERGY)
Sent: November 10, 2011 9:05 AM
To: Jennings, Rick (ENERGY)
Cc: King, Ryan (ENERGY)
Subject: gas plant in BC

Hi Rick – last night there was a reference to a gas plant being stopped in BC in two days – do you know more about this? I can ask our student to look into this but thought I'd follow up with you to see if you had any further info on how that was stopped – thank you

Halyna

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^[1] British Columbia, Legislative Assembly, *Hansard*, No. 8 (23 November, 2005) at 2185 online at : <http://www.leg.bc.ca/hansard/38th1st/h51123p.htm>

Cayley, Daniel (ENERGY)

From: Rehob, James (ENERGY)
Sent: November-10-11 4:49 PM
To: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY)
Subject: FW: Greenfield South - Questions

FYI: Client reviewing questions/issues – hope to have something back soon in order to further drafting.

From: King, Ryan (ENERGY)
Sent: November 10, 2011 4:44 PM
To: Rehob, James (ENERGY)
Subject: RE: Greenfield South - Questions

James, I've provided some answers to Rick for review. Will communicate after receiving his input.

From: Rehob, James (ENERGY)
Sent: November 10, 2011 4:27 PM
To: King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY)
Subject: Greenfield South - Questions

Privileged & Confidential / Solicitor & Client Privileged

November 10, 2011

Hi, Ryan – In connection with our conversation, here are some questions we need your assistance with:

1. Confirmation of site/municipal address: We have it as "Lot 3, Concession 1, in Municipality of Mississauga, municipal address: 2315 Loreland Avenue;
2. Description of project: Currently, the description for the project reads: "'project' means the Greenfield South Power Project undertaken by the Corporation on the site" and site has a description related to the above-noted land description/municipal address; – are there any other elements of the project which you wish us to capture as part of the "project" – e.g. any related facilities, equipment, buildings, lands or structures not necessarily captured by the bolded language above but which you want us to capture in order to cease or halt activity?
3. Other structures on, improvements to, the land –
 - a. Do you want to (i) maintain the structures that are both related and unrelated to the project? Do you just want those structures unrelated to the project? (fencing, lighting, storage buildings on site that are not directly project-related - not sure what they'd be but we put the question forward. Put another way, should land be completely cleared or remain "as is" at the time construction ceases.
 - b. Electricity-related equipment/installation – do we know what transmission-connection or other equipment are now on-site? Is all such equipment to be removed?
 - c. Are there other structures on adjacent property, on the street (hydro poles, sewer/water manes, etc.) which need to be dealt with? (removed?);
 - d. Confirm whether our approach of leaving all municipal services (electrical, water, sewage) in place to the extent those services have been provided. Can you assist in helping us confirm whether such services are now in place?
4. Remediation of the land: in line with the above, is it the intention that the land be returned to its "pre-remediation stage" or will the construction simply be expected to cease and the land left "as is" (e.g. with the partial construction-related improvements remaining). If the latter, this will likely form part and parcel of "sunk costs" where there might be some salvage or alternative use value that the developer might be expected to provide for

itself (e.g. to sell to another project-developer, to return to the supplier, to put to an alternative use (doubtful) – I gather any salvage value would be quite low but we have to consider).

5. Currently, the legislative draft differentiates between the “generation facility” (e.g. turbines, equipment, etc.) and the “land” (real property) on which the generation facility is located. This is to reflect the fact that the turbines and equipment may well be relocated to another site, and the site put to an alternative, more environmentally benign use. Let us know if at first blush this approach causes any problems from the information or policy instructions you have for us at this time. Obviously we understand that the policy is still maturing.
6. Financing – did the OPA or any other entity (e.g. the Crown) provide “up front” financing that needs to be repaid to the Crown? On this point, we understand that the main financiers are “EIG” and “Credit Swiss”- can you confirm – are there any additional lenders?
7. Follow-on Contracts: The main contract between the OPA and Greenfield South Power Co. is obviously the main target. However, significant liability will arise under the many follow-on contracts including with sub-contractors, contracts for equipment, installation of gas line and provision of natural gas, other related suppliers. Is there any policy decision on whether or not to compensate suppliers for the loss or termination of those contracts? (We will be looking at these issues closely with CLOC but your directional advice at this point is important for us to keep the Bill moving forward). Termination of all contracts can give rise to several types of liability including (i) liability for sunk costs which we are addressing; (ii) liability for lost revenue (no instructions yet – can you confirm position on same?) (iii) liability based on the penalty/default and other discipline provisions contained in the follow-on contracts (do you have any policy instructions on whether these are to be addressed? Of course the positions Energy takes may have to be modified once we run the issues and the drafts of this Bill by CLOC who have to consider wider Government implications).
8. Note re. Date/Timing: The current draft uses “April 12, 2005” (which is the date of the restated contract entered into between the OPA and Greenfield South as the trigger date). We are exploring whether we need to take the date back further (e.g. date at which the RFP was issued). Do you have any thoughts or instructions on this?

Kind regards,

James

James P. H. Rehob

Senior Counsel
Ministry of Energy and
Ministry of Infrastructure
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Tel: 416-325-6676
Fax: 416-325-1781
james.rehob@ontario.ca

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Fisher, Petra (ENERGY)

From: Letourneau, Amanda (ENERGY)
Sent: November-10-11 5:39 PM
To: Rehob, James (ENERGY)
Subject: Municipal by-laws and services
Attachments: Mississauga_ca - Services Online - Property Information.mht; Part 8 - E1 to E3.pdf; planning map. pdf.pdf; building2011update.pdf; Mississauga_ca - Residents - Site Plan Control By-law.mht

Categories: Red Category

Hi James,

Here is what I've been able to find so far:

The Mississauga by-law relating to building and demolition permits is attached (By law 29-11)

Also attached is the Property Information Report from the Mississauga.ca website. The information report lists the site as Vacant Industrial Land.

The property is subject to the [Site Plan Control By-law regulations](#). Properties subject to the regulations of the Site Plan Control By-law require that the owner receive site plan approval from the Development and Design Division for any new development on-site or addition. This requirement is necessary prior to the issuance of a building permit. Further explanation on the site plan control by-law is attached.

I'm having difficulty with the Zoning by-law because it's fairly complicated, but I attached the exemption that applies to the land (under E2-20 in the document) that allowed a power generation facility as an additional permitted use under the by-law.

I could not find any information on the provision of municipal services to the site.

Let me know if there is anything specific you'd like me to find or look into further.

Thanks,

Amanda

Amanda Letourneau
Articling Student
Legal Services Branch
Ministries of Energy and Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
P: 416-325-7304
F: 416-325-1781

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PROPERTY DETAILS

[View Another Property](#)

Address:	2315 LORELAND AVE	Ward:	1
Legal Description:	CON 1 SDS PT L 2, 3, 43R7398 PT 1 LESS 43R24263 PT 1	Councillor:	JIM TOVEY
Roll Number:	21-05-070-054-10901-0000	Area:	43869.48 SM
Common Name:		Depth:	0.00 M
Property Code:	VACANT INDUSTRIAL LAND	Frontage:	0.00 M
		Status:	Registered

Site Plan Control

This property is subject to Site Plan Control By-law regulations.

Properties subject to the regulations of the Site Plan Control By-law require that the owner receive site plan approval from the Development and Design Division for any new development on-site or addition. This requirement is necessary prior to the issuance of a building permit. To read more about the Site Plan Approval process please [click here](#)

Access Maps and Aerial Imagery

This new online service allows you to:

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- overlay current and historical aerial photography
- locate a street address or property
- locate a street intersection
- print maps to scale
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City of Mississauga
300 City Centre Drive, Mississauga, Ontario, Canada L5B 3C1
General Inquiries: Call 3-1-1 or 905-896-5000

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**Schedule "B" To
By-law No. 0225-2007
Revised: 2009 March 31**

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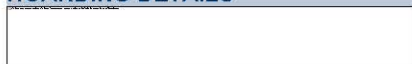
REQUIREMENTS Planning & Building Official Plan & Zoning By-laws Zoning By-law (In Effect) Zoning By-law (Former) Mississauga Plan (In Effect) City Plan (In Effect) Site Plan Control By-law Affordable Housing Building Permits Development Applications Signs in the City Environmental Planning Forms Centre Application Fees & New Fees Development Charges Inspection Services Online Maps Products & Services Planning Reports Studies and Reviews Urban Design Mississauga Data

FREQUENTLY ASKED QUESTIONS (FAQ'S)

-  [Do I need a preliminary meeting before submitting a site plan application?](#)
-  [What are the application requirements for site plans \(i.e. fees, number of drawings, etc.\)?](#)
-  [How long does the site plan approval process take?](#)
-  [Can the agent sign the Environmental Site Screening Questionnaire and Declaration?](#)
-  [Is my property subject to Conservation Authority screening and if so, how much is the fee?](#)
-  [I would like to discuss my proposal further before I apply? Can I set up a meeting?](#)

1 - 6 of 9 Items Found | [View All](#)

HOARDING DETAILS



Click on the link below or this image to access a details specification for site hoarding.

-  [Hoarding Specification - Planning and Building](#)

[Residents](#) > [Planning & Building](#) > [Official Plan & Zoning By-laws](#) > [Site Plan Control By-law](#)

Site Plan Control By-law



If you are planning construction of a new building or addition, you need to know if your property is subject to Site Plan Control.

This page is intended to explain the Site Plan Control process, determine if it applies to your property, and provide you with additional information before you get started.

What is the Purpose of Site Plan Control?

The Site Plan process is a key component of the implementation of Mississauga Plan, the City's Official Plan, and its District Plans. These Plans contain various policies which relate to technical matters and design issues. The technical policies relate to transportation, environmental concerns, and easements, among other matters.

Is My Property Subject to Site Plan Control?

Areas under site plan control are identified by By-law 0293-2006. To determine if your property is under site plan control, you can use the resources on this page. It is important to determine this **BEFORE** you begin the building permit application process, as Site Plan Approval is one of the requirements of a

complete building permit application. The table below contains links to the Site Plan Control By-law text and schedules.

How the Site Plan Control By-law Works

The By-law states that ALL land within the City of Mississauga is designated as a Site Plan Control area and that no person can undertake development without site plan approval. The By-law goes on to exempt certain types of development (Section 4), then further describes a number of exceptions to these exemptions. The By-law also contains 10 schedules that geographically identify lands subject to Site Plan Control.

Item	Description	Last Updated
By-law 0293-2006	Entire text and Schedules of Site Plan Control By-law 0293-2006 (original In Effect date: July 05, 2006)	June 23, 2010
Amendments	By-laws that have been passed by Council to amend the Site Plan Control By-law. By-law 0080-2007 Feb 28, 2007 By-law 0162-2007 Apr 25, 2007 By-law 0238-2007 Jun 20, 2007 By-law 0359-2007 Sep 26, 2007 By-Law 0146-2008 May 07, 2008 By-law 0185-2010 June 23, 2010	June 23, 2010
Schedule 1	By-law applies to all development or redevelopment on lands with an Employment zone abutting roads shown on Schedule 1	Jun 23, 2010
Schedule 2	By-law applies to all development or redevelopment on lands with an Employment zone abutting roads shown on Schedule 2	Jun 23, 2010
Schedule 3	By-law applies to all development or redevelopment on lands identified on Schedule 3	Jun 23, 2010
Schedule 4	By-law applies to all development or redevelopment on lands identified on Schedule 4	Jul 5, 2006
Schedule 5	By-law applies to all development or redevelopment on lands zoned for detached dwellings on land identified on Schedule 5	Jul 5, 2006
Schedule 6	By-law applies to all development or redevelopment on lands identified on Schedule 6	Jul 5, 2006
Schedule 7	By-law applies to all development or redevelopment on lands identified on Schedule 7 abutting Mississauga Road	Jun 23, 2010
Schedule 8	By-law applies to all development or redevelopment on lands identified on Schedule 8 - Port Credit Conservation District	Jul 5, 2006
Schedule 9	By-law applies to all development or redevelopment on lands identified on Schedule 9	Jul 5, 2006
Schedule 10	By-law applies to all development or redevelopment on lands identified on Schedule 10	Feb 28, 2007
Schedule 11	By-law applies to all development or redevelopment on lands identified on Schedule 11	May 07, 2008

Still wondering if your Property is subject to Site Plan Control?

Contact the Zoning Section of Building Division, at 905-896-5581 between 8:30am and 4:30pm, Monday to Friday.

My Property is Subject to Site Plan Control - What's Next?

For those properties subject to Site Plan Control, a building permit cannot be issued until Site Plan Approval has been granted. The site plan process is administered through the Development and Design Division of the Planning and Building Department.

Details with respect to the site plan process and application information is available online on the City's [Development Applications page](#). For questions about what is required for a site plan application and the associated fees, please contact the Development and Design Division at 905-615-3200 ext 5511 between 8:30am and 4:30pm, Monday to Friday.

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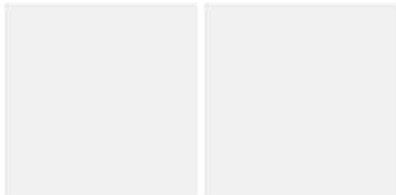
The Street Name is mandatory when searching for a property by address. If you wish to browse by Street Name only, it may take a while to display the result of the search.

Street Name Street No

Find by Roll Number

Your roll number can be found in the upper right hand corner of your latest Tax Bill. When looking up records below, please disregard the first (2) digits on your Tax Bill, ie 05-00-0-000-00000-0000.

05						-0000
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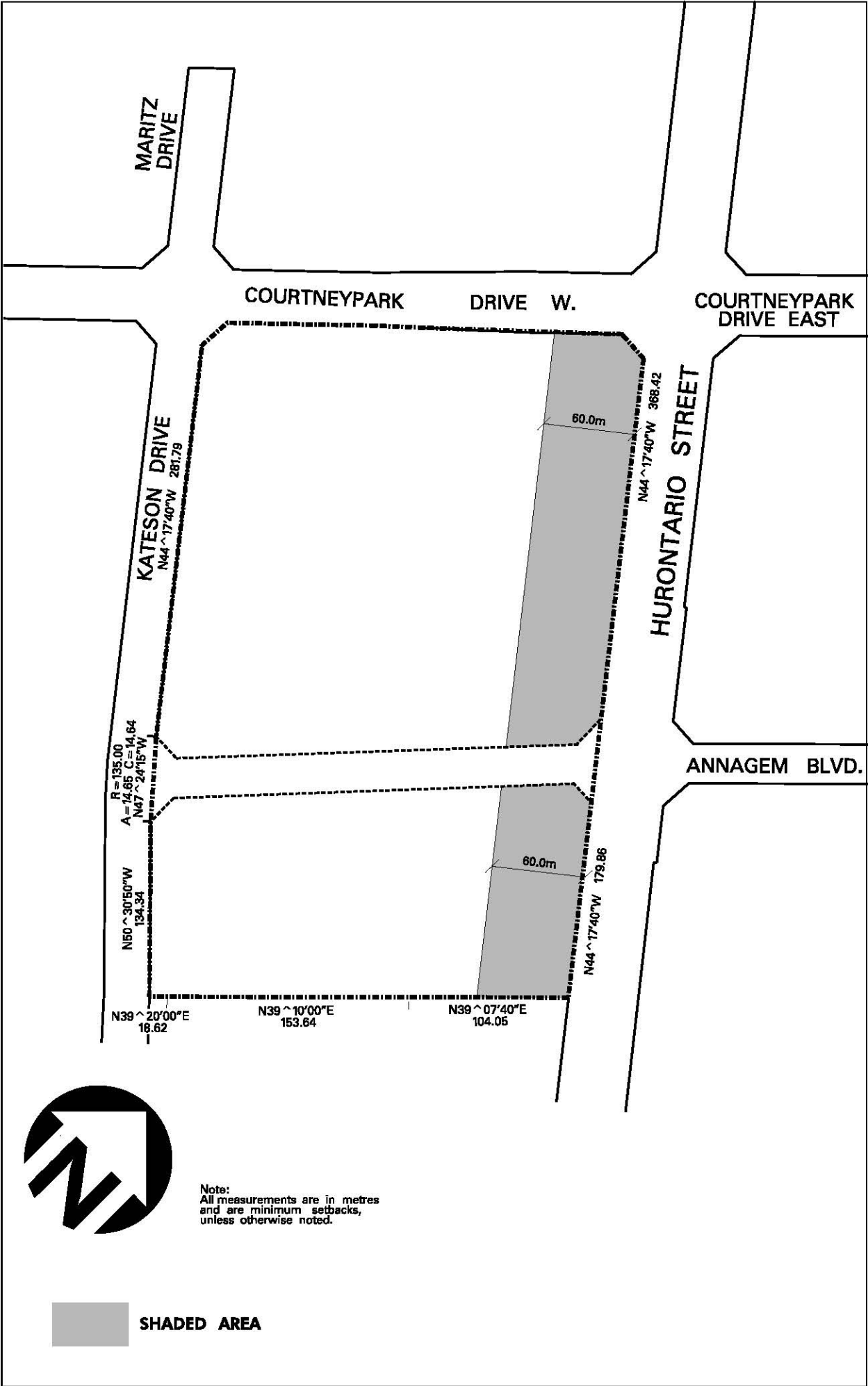


8.2.2 E1 Exception Zones

Refer to Article 1.1.2.3 - Exception Zones and Exception Zone Schedules

8.2.2.1	Exception: E1-1	Map # 43W	By-law:
In an E1-1 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.2.1.1	(1)	Restaurant	
	(2)	Take-out Restaurant	
	(3)	Convenience Restaurant	

8.2.2.2	Exception: E1-2	Map # 44E	By-law: 0191-2009
In an E1-2 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:			
Regulations			
8.2.2.2.1	Minimum depth of a landscaped buffer along the entire length of the lot line abutting Hurontario Street, exclusive of a sight triangle		7.5 m
8.2.2.2.2	Minimum depth of a landscaped buffer along the entire length of the lot line abutting Courtneypark Drive West, Maritz Drive and Kateson Drive		4.5 m
8.2.2.2.3	Minimum setback of a building or structure to Hurontario Street, exclusive of a sight triangle		9.0 m
8.2.2.2.4	Maximum setback to Hurontario Street of a building or structure located wholly or partially within the shaded area identified on Schedule E1-2 of this Exception		15.0 m
8.2.2.2.5	Driveways, parking spaces or aisles shall not be located beyond the front wall of any building or structure located wholly or partially within the shaded area identified on Schedule E1-2 of this Exception		
8.2.2.2.6	"Front Wall" means all or part thereof of any building or structure adjacent to Hurontario Street		



Schedule E1-2
Map 44E

8.2.2.3	Exception: E1-3	Map # 54W	By-law:
In an E1-3 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.2.3.1	(1)	Motor Vehicle Sales, Leasing and/or Rental Facility - Restricted	
Regulations			
8.2.2.3.2		Maximum gross floor area - non-residential	55 208 m ²
8.2.2.3.3		Maximum number of storeys of a building or structure or parts thereof, in height above established grade, excluding any mechanical penthouses, within 110.0 m of a railway right-of-way	9 storeys
8.2.2.3.4		Minimum setback of a building or structure to Argentia Road	6.0 m

8.2.2.4	Exception: E1-4	Map # 54W	By-law:
In an E1-4 zone the applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:			
Permitted Uses			
8.2.2.4.1	Lands zoned E1-4 shall only be used for the following:		
	(1)	Retail Store	
	(2)	Financial Institution	
	(3)	Office	
	(4)	Entertainment Establishment	
	(5)	Personal Service Establishment	
	(6)	Recreational Establishment	
	(7)	Private Club	
	(8)	Restaurant	
	(9)	Convenience Restaurant	
	(10)	Take-out Restaurant	
Regulations			
8.2.2.4.2	Maximum gross floor area - non-residential		10 500 m ²
8.2.2.4.3	Minimum setback of a building or structure to Highway 401		14.0 m
8.2.2.4.4	Minimum setback of a building or structure to Argentia Road		4.5 m
8.2.2.4.5	Minimum setback of a building or structure to Winston Churchill Boulevard		5.9 m
8.2.2.4.6	Minimum landscaped area		10% of the lot area
8.2.2.4.7	Minimum number of parking spaces per 100 m ² gross floor area - non-residential		5.4

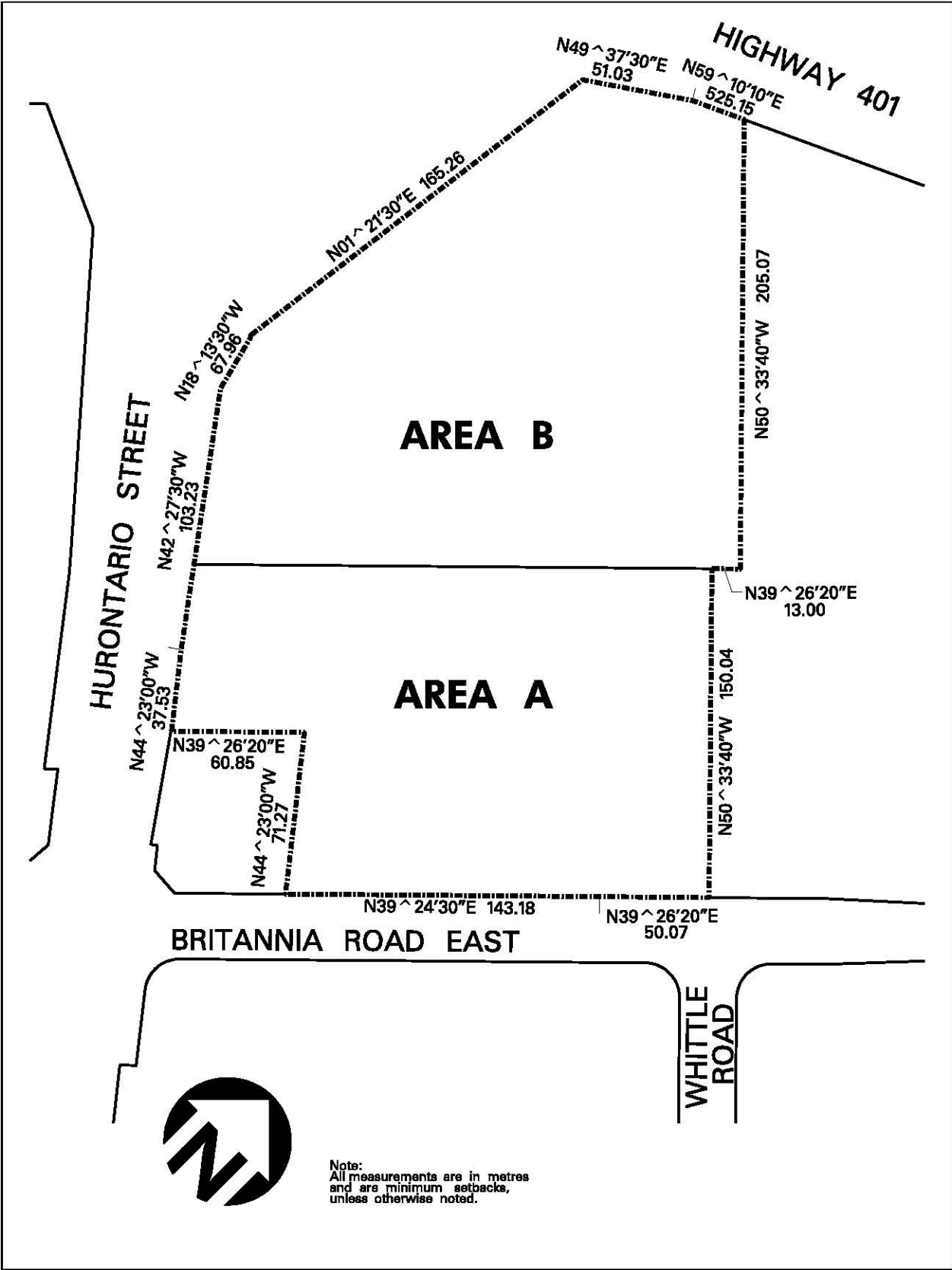
8.2.2.5	Exception: E1-5	Map # 36W	By-law: 0191-2009
In an E1-5 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.2.5.1	(1)	C3 uses contained in Subsection 6.2.1 of this By-law, except: (1.1) Motor Vehicle Rental Facility (1.2) Motor Vehicle Sales, Leasing and/or Rental Facility - Restricted (1.3) Convenience Restaurant	
Regulations			
8.2.2.5.2		Uses contained in Subsection 8.2.1 of this By-law, and those remaining uses permitted in Subsection 6.2.1 of this By-law, shall comply with the C3 zone regulations contained in Subsection 6.2.1 of this By-law	
8.2.2.5.3		The provisions contained in Subsection 8.1.8 and 8.1.9 of this By-law shall not apply	

8.2.2.6	Exception: E1-6	Map # 44E	By-law: 0411-2008, 0191-2009/OMB Order 2010 May 05
In an E1-6 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.2.6.1	(1)	Restaurant	
	(2)	Take-out Restaurant	
	(3)	Outdoor storage accessory to a manufacturing facility, science and technology facility or warehouse/distribution facility	
	(4)	Outdoor patio accessory to a restaurant or take-out restaurant	
Regulations			
8.2.2.6.2	Minimum landscaped buffer along the lot line abutting Hurontario Street		10.0 m
8.2.2.6.3	Minimum landscaped buffer along the lot line of any street other than Hurontario Street		3.0 m
8.2.2.6.4	Maximum setback to the first storey of a streetwall of the first building erected on a lot abutting a street identified in Note (6) to Table 8.2.1 contained in Subsection 8.2.1 of this By-law		35.0 m
8.2.2.6.5	The provisions of Line 6.2 in Table 8.2.1 contained in Subsection 8.2.1 of this By-law shall not apply		
8.2.2.6.6	A maximum of 30% of the length of a streetwall of the first storey of a building may be set back beyond the maximum setback of 35.0 m		
8.2.2.6.7	Minimum distance from a surface parking space to a street identified in Note (6) to Table 8.2.1 contained in Subsection 8.2.1 of this By-law		35.0 m
8.2.2.6.8	A maximum of one (1) row of vehicle parking spaces shall be permitted within 35.0 m of Hurontario Street where a manufacturing facility or warehouse/distribution facility is located within 35.0 m of Hurontario Street		

Exception E1-6 continued on next page

8.2.2.6	Exception: E1-6	Map # 44E	By-law: 0411-2008, 0191-2009/OMB Order 2010 May 05
Exception E1-6 continued from previous page			
8.2.2.6.9	Parking spaces shall not be permitted between the exterior wall of an office building or medical office building and the lot line abutting Hurontario Street		
8.2.2.6.10	Where a building is located within 35.0 m of Hurontario Street, the pedestrian street entrance shall face Hurontario Street		
8.2.2.6.11	Maximum number of courier/messenger service delivery vehicles permitted to be stored outside	10	
8.2.2.6.12	The provisions contained in Subsection 8.1.5 of this By-law shall apply to all areas used for outdoor storage accessory to a manufacturing facility, science and technology facility or warehouse/distribution facility		
8.2.2.6.13	"Pedestrian Street Entrance" means the door designed as an access point into a building for pedestrians and provides a direct pedestrian access to Hurontario Street		

8.2.2.7	Exception: E1-7	Map # 43W	By-law: 0411-2008, 0191-2009/ OMB Order 2010 May 05
In an E1-7 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:			
Regulations			
8.2.2.7.1	The provisions of Lines 6.0 to 6.3, 13.0 and 14.0 in Table 8.2.1 contained in Subsection 8.2.1 of this By-law shall not apply to Area B identified on Schedule E1-7 of this Exception		
8.2.2.7.2	Maximum setback of the first storey of a streetwall of a building erected on a lot abutting a street identified in Note (6) to Table 8.2.1 contained in Subsection 8.2.1 of this By-law and located within Area A identified on Schedule E1-7 of this Exception	20.0 m	
8.2.2.7.3	The provisions of Line 6.2 in Table 8.2.1 contained in Subsection 8.2.1 of this By-law shall not apply		
8.2.2.7.4	A maximum of 30% of the length of a streetwall of the first storey of a building within Area A, identified on Schedule E1-7 of this Exception, may be set back beyond the maximum setback of 20.0 m		
8.2.2.7.5	Minimum distance from a surface parking space in Area A, identified on Schedule E1-7 of this Exception, to a street identified in Note (6) to Table 8.2.1 contained in Subsection 8.2.1 of this By-law	20.0 m	
8.2.2.7.6	Where a building is located within 20.0 m of Hurontario Street in Area A, identified on Schedule E1-7 of this Exception, the pedestrian street entrance shall face Hurontario Street		
8.2.2.7.7	Maximum number of courier/messenger service delivery vehicles permitted to be stored outside	10	
8.2.2.7.8	"Pedestrian Street Entrance" means the door designed as an access point into a building for pedestrians and provides a direct pedestrian access to Hurontario Street		



Schedule E1-7
Map 43W

8.2.2.8	Exception: E1-8	Map # 44E	By-law: 0191-2009
In an E1-8 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:			
Regulations			
8.2.2.8.1	Maximum percentage of gross floor area - non-residential used for accessory uses		30%
8.2.2.8.2	Minimum height of all buildings and structures located within 145.0 m of Hurontario Street		3 storeys

8.2.2.9	Exception: E1-9	Map # 43W	By-law: 0191-2009
In an E1-9 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:			
Regulations			
8.2.2.9.1	Maximum percentage of gross floor area - non-residential used for accessory uses		30%
8.2.2.9.2	Minimum height of all buildings and structures located within 177.0 m of Hurontario Street and 129.0 m of Courtneypark Drive East		3 storeys

8.2.2.10	Exception: E1-10	Map # 54W	By-law: 0379-2009
In an E1-10 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.2.10.1	(1) Retail-Warehouse (2) Garden Centre (3) Restaurant accessory to a retail-warehouse or garden centre (4) Equipment, tool and truck rental centre accessory to a retail-warehouse (5) Outdoor display and sales area accessory to a retail-warehouse		
Uses Not Permitted			
8.2.2.10.2	(1) Truck Terminal (2) Waste Processing Station (3) Waste Transfer Station (4) Composting Facility (5) Body-Rub Establishment (6) Adult Entertainment Establishment (7) Night Club		
Regulations			
8.2.2.10.3	Maximum gross floor area - non-residential		11 000 m ²
8.2.2.10.4	Maximum gross floor area - restaurant used for an accessory restaurant		100 m ²
8.2.2.10.5	Maximum area used for outdoor display and sales accessory to a retail-warehouse		275 m ²
8.2.2.10.6	Maximum area used for outdoor display and sales accessory to a garden centre including seasonal nursery stock		2 520 m ²
8.2.2.10.7	Minimum landscaped area		10% of the lot area
8.2.2.10.8	Minimum front yard		15.0 m
8.2.2.10.9	Minimum side yard		10.0 m
8.2.2.10.10	Minimum rear yard		15.0 m
8.2.2.10.11	Maximum height above established grade of outdoor display of all materials, goods or products		4.6 m
8.2.2.10.12	"Retail-Warehouse" means a building or structure, or part thereof where goods are stored and offered for sale and shall include only the following: home furnishing and home improvement products, furniture, appliances, electrical fixtures, carpets and floor coverings, building supplies, plumbing supplies, draperies and decorating supplies such as paints and wallpaper		
8.2.2.10.13	Minimum number of parking spaces per 100 m ² gross floor area - non-residential for a retail-warehouse		1.6

8.2.2.11	Exception: E1-11	Map # 36W	By-law:
In an E1-11 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.2.11.1	(1) Restaurant (2) Convenience Restaurant (3) Take-out Restaurant		

8.2.2.12	Exception: E1-12	Map # 44E	By-law: 0191-2009
In an E1-12 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.2.12.1	(1) Convenience Restaurant (2) Take-out Restaurant (3) Office and computer supplies and equipment sales		
Regulations			
8.2.2.12.2	Maximum percentage of gross floor area - non-residential used for accessory uses		30%
8.2.2.12.3	Maximum gross floor area - non-residential used for a drug store or drug dispensary		250 m ²
8.2.2.12.4	Minimum depth of a landscaped buffer along the entire length of the front lot line		4.5 m
8.2.2.12.5	Minimum front yard setback of all buildings and structures situated within 50.0 m of the front lot line		6.0 m
8.2.2.12.6	Maximum front yard setback of all buildings and structures situated within 50.0 m of the front lot line		8.5 m
8.2.2.12.7	Minimum exterior side yard		2.0 m
8.2.2.12.8	Minimum interior side yard		2.0 m
8.2.2.12.9	Minimum rear yard		7.5 m
8.2.2.12.10	Minimum height		3 storeys
Holding Provision			
<p>The holding symbol H is to be removed from the whole or any part of the lands zoned H-E1-12 by further amendment to Map 44E of Schedule B contained in Part 13 of this By-law, as amended, upon satisfaction of the following requirements:</p> <p>(1) the submission of a site development plan and application to the satisfaction of the City of Mississauga that are consistent with the following urban design policies and guidelines:</p> <p>(1.1) <i>Mississauga Plan</i> - Section 4.15.5.3 (Gateway District Special Site 2 Policies);</p> <p>(1.2) <i>Mississauga Plan</i> - Section 3.10.3 (Node General Policies)</p> <p>(1.3) <i>Upper Hurontario Corridor: A design mandate for excellence</i> - Section 4.1 (Major Nodes).</p>			

8.2.2.13	Exception: E1-13	Map # 54W	By-law:
In an E1-13 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:			
Regulations			
8.2.2.13.1	Maximum floor space index		0.52
8.2.2.13.2	Maximum gross floor area - non-residential		22 000 m ²

8.2.2.14	Exception: E1-14	Map # 43W	By-law: 0191-2009
In an E1-14 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:			
Regulations			
8.2.2.14.1	Maximum percentage of gross floor area - non-residential used for accessory uses		30%
8.2.2.14.2	Minimum height		3 storeys

8.2.2.15	Exception: E1-15	Map # 43W	By-law: 0191-2009
In an E1-15 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.2.15.1	(1) Restaurant (2) Take-out Restaurant (3) Convenience Restaurant (4) Outdoor patio accessory to a restaurant, convenience restaurant or take-out restaurant		
Regulations			
8.2.2.15.2	Required parking for lands located between Hurontario Street, Courtney Park Drive East, Edwards Boulevard and Annagem Boulevard shall also be permitted on the south side of Annagem Boulevard on all lands zoned E1-15		
8.2.2.15.3	Maximum number of courier/messenger service delivery vehicles permitted to be stored outside		10
8.2.2.15.4	Minimum setback of a restaurant, take-out restaurant, convenience restaurant or an outdoor patio accessory to a restaurant, take-out restaurant or convenience restaurant from Hurontario Street		50.0 m

8.2.2.16	Exception: E1-16	Map # 37E	By-law: 0191-2009
In an E1-16 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.2.16.1	(1) Existing accessory day care		

8.2.2.17	Exception: E1-17	Map # 44E	By-law: OMB Effective Date 2008 May 15 Case No.: PL070625 File No.: R070149
In an E1-17 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:			
Regulation			
8.2.2.17.1	The provisions of Lines 6.0 and 8.0 contained in Table 8.2.1 of this By-law shall not apply		

8.2.2.18	Exception: E1-18	Map # 34E	By-law: 0323-2009/ OMB Order 2010 May 10
In an E1-18 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:			
Uses Not Permitted			
8.2.2.18.1	(1) Manufacturing Facility (2) Warehouse/Distribution Facility		
Additional Permitted Uses			
8.2.2.18.2	(1) Manufacturing facility legally existing on the date of passing of this By-law (2) Warehouse/distribution facility legally existing on the date of passing of this By-law (3) Repair service as an accessory use in compliance with Subsection 8.1.2 of this By-law		
Regulations			
8.2.2.18.3	Minimum floor space index - non-residential		0.5
8.2.2.18.4	Maximum setback to the first three (3) storeys of a streetwall of the first building erected on a lot abutting lands zoned PB1		7.5 m
8.2.2.18.5	Maximum setback to the first three (3) storeys of a streetwall of the first building erected on a lot abutting Commerce Boulevard, Explorer Drive or Skymark Avenue		5.0 m
8.2.2.18.6	A maximum of 30% of the length of a streetwall of the first three (3) storeys of a building or structure identified in Sentences 8.2.2.18.4 and 8.2.2.18.5 of this Exception, may be set back beyond the maximum setback		
8.2.2.18.7	Minimum height of all buildings and structures except that: (1) a maximum of 30% of the building footprint may be less than four (4) storeys		4 storeys
8.2.2.18.8	Where a building is located within 10.0 m of lands zoned PB1, Eglinton Avenue West, Commerce Boulevard, Explorer Drive or Skymark Avenue, the main front entrance shall face the street. Where a building is located at the intersection of two (2) of these streets and/or lands zoned PB1, or any combination thereof, the main front entrance shall be located at the corner of the building facing the intersection, or a building entrance shall be located facing each street and/or lands zoned PB1		
8.2.2.18.9	Expansion or alteration to any building or structure legally existing on the date of passing of this By-law shall be permitted and shall not be subject to the regulations of Sentences 8.2.2.18.3 to 8.2.2.18.8 of this Exception		
8.2.2.18.10	Expansion of any use legally existing on the date of passing of this By-law shall be permitted and shall not be subject to the regulations of Sentences 8.2.2.18.3 to 8.2.2.18.8 of this Exception		
8.2.2.18.11	In an office building, where the non-office uses, including medical office and real estate office, are greater than 20% of the total GFA - non-residential, separate parking will be required for all of such uses in accordance with the regulations contained in Table 3.1.2.2 of this By-law. Parking for banquet hall/conference centre/convention centre will be provided in accordance with the applicable regulations contained in Table 3.1.2.2 of this By-law.		

8.2.2.19	Exception: E1-19	Map # 34E, 34W, 35E	By-law: 0322-2009
In an E1-19 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:			
Uses Not Permitted			
8.2.2.19.1	(1) Manufacturing Facility (2) Warehouse/Distribution Facility		
Additional Permitted Uses			
8.2.2.19.2	(1) Manufacturing facility legally existing on the date of passing of this By-law (2) Warehouse/distribution facility legally existing on the date of passing of this By-law (3) Repair service as an accessory use in compliance with Subsection 8.1.2 of this By-law		
Regulations			
8.2.2.19.3	Minimum floor space index - non-residential		0.5
8.2.2.19.4	Maximum setback to the first three (3) storeys of a streetwall of the first building erected on a lot abutting lands zoned PB1 or Eglinton Avenue West		7.5 m
8.2.2.19.5	Maximum setback to the first three (3) storeys of a streetwall of the first building erected on a lot abutting Explorer Drive, Orbitor Drive, Satellite Drive, Spectrum Way or Skymark Avenue		5.0 m
8.2.2.19.6	A maximum of 30% of the length of a streetwall of the first three (3) storeys of a building or structure identified in Sentences 8.2.2.19.4 and 8.2.2.19.5 of this Exception, may be set back beyond the maximum setback		
8.2.2.19.7	Minimum height of all buildings and structures except that: (1) a maximum of 30% of the building footprint may be less than two (2) storeys		2 storeys
8.2.2.19.8	Where a building is located within 10.0 m of lands zoned PB1, Eglinton Avenue West, Explorer Drive, Orbitor Drive, Satellite Drive, Spectrum Way or Skymark Avenue, the main front entrance shall face the street. Where a building is located at the intersection of two (2) of these streets and/or lands zoned PB1, or any combination thereof, the main front entrance shall be located at the corner of the building facing the intersection, or a building entrance shall be located facing each street and/or lands zoned PB1		
8.2.2.19.9	Expansion or alteration to any building or structure legally existing on the date of passing of this By-law shall be permitted and shall not be subject to the regulations of Sentences 8.2.2.19.3 to 8.2.2.19.8 of this Exception		
8.2.2.19.10	Expansion of any use legally existing on the date of passing of this By-law shall be permitted and shall not be subject to the regulations of Sentences 8.2.2.19.3 to 8.2.2.19.8 of this Exception		
8.2.2.19.11	In an office building, where the non-office uses, including medical office and real estate office, are greater than 20% of the total GFA - non-residential, separate parking will be required for all of such uses in accordance with the regulations contained in Table 3.1.2.2 of this By-law. Parking for banquet hall/conference centre/convention centre will be provided in accordance with the applicable regulations contained in Table 3.1.2.2 of this By-law.		

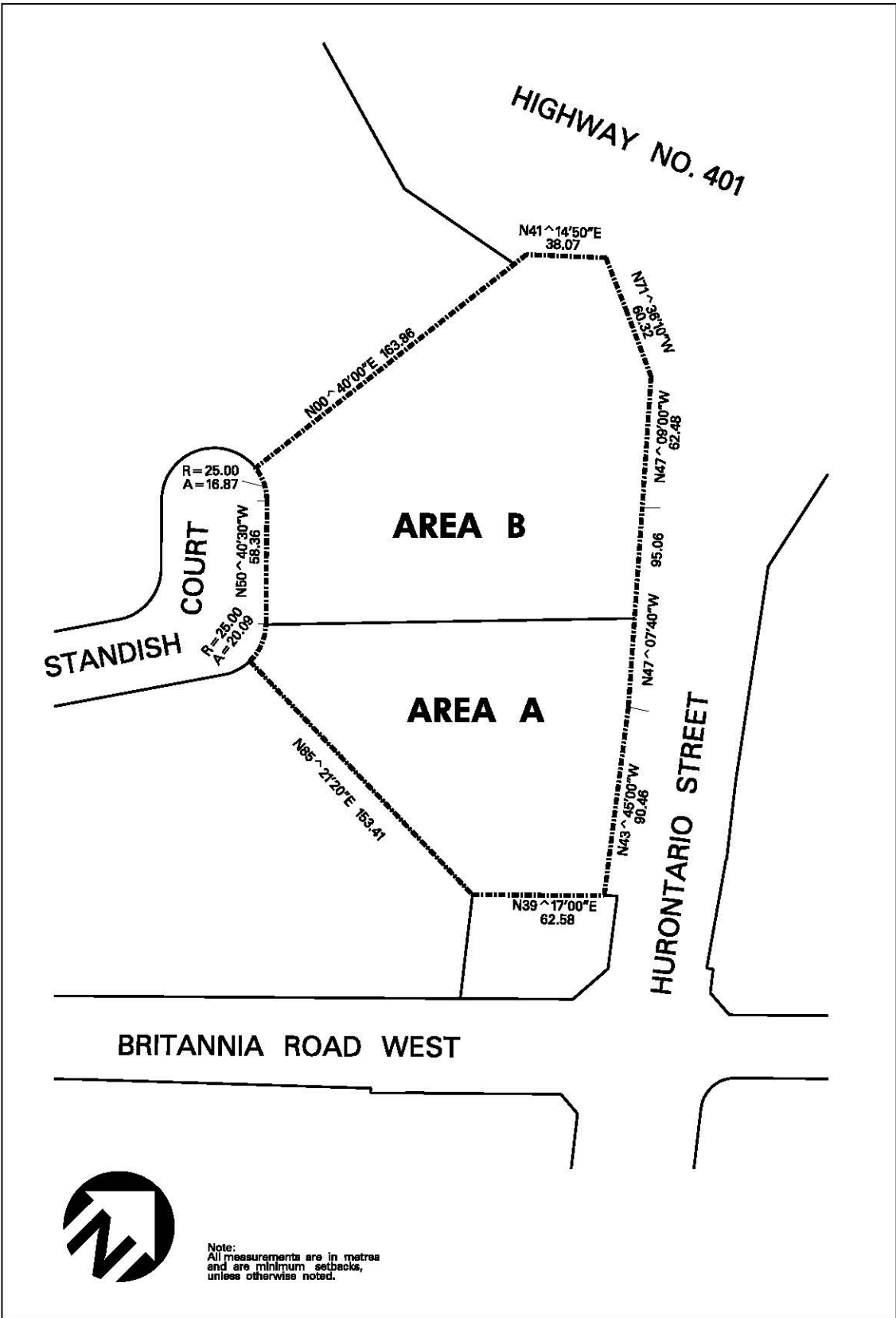
8.2.2.20	Exception: E1-20	Map # 44E	By-law: 0191-2009/ OMB Order 2010 May 05
In an E1-20 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:			
Regulations			
8.2.2.20.1	Where a building is located within 10.0 m of Hurontario Street, the pedestrian street entrance shall face Hurontario Street		
8.2.2.20.2	"Pedestrian Street Entrance" means the door designed as an access point into a building for pedestrians and provides a direct pedestrian access to Hurontario Street		

8.2.2.21	Exception: E1-21	Map # 44E	By-law: 0191-2009/ OMB Order 2010 May 05
In an E1-21 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:			
Regulations			
8.2.2.21.1	The provisions of Lines 6.0 to 6.3, 13.0 and 14.0 in Table 8.2.1 contained in Subsection 8.2.1 of this By-law shall not apply		
8.2.2.21.2	For the purposes of this By-law, all lands zoned E1-21 shall be considered one (1) lot		

8.2.2.22	Exception: E1-22	Map # 44E	By-law: 0191-2009/ OMB Order 2010 May 05
In an E1-22 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.2.22.1	(1)	Required parking, driveways and aisles for lands zoned E1-23 and abutting lands zoned E1	
Regulations			
8.2.2.22.2		The provisions of Lines 6.0 to 6.3, 13.0 and 14.0 in Table 8.2.1 contained in Subsection 8.2.1 of this By-law shall not apply to Area B identified on Schedule E1-22 of this Exception	
8.2.2.22.3		Maximum setback of the first storey of a streetwall of a building erected on a lot abutting a street identified in Note (6) to Table 8.2.1 contained in Subsection 8.2.1 of this By-law and located within Area A identified on Schedule E1-22 of this Exception	18.0 m
8.2.2.22.4		The provisions of Line 6.2 in Table 8.2.1 contained in Subsection 8.2.1 of this By-law shall not apply	
8.2.2.22.5		A maximum of 30% of the length of a streetwall of the first storey of a building within Area A, identified on Schedule E1-22 of this Exception, may be set back beyond the maximum setback of 18.0 m	
8.2.2.22.6		Minimum distance from a surface parking space in Area A, identified on Schedule E1-22 of this Exception, to a street identified in Note (6) to Table 8.2.1 contained in Subsection 8.2.1 of this By-law	18.0 m

Exception E1-22 continued on next page

8.2.2.22	Exception: E1-22	Map # 44E	By-law: 0191-2009/ OMB Order 2010 May 05
Exception E1-22 continued from previous page			
8.2.2.22.7	Where a building is located within 18.0 m of Hurontario Street in Area A identified on Schedule E1-22 of this Exception, the pedestrian street entrance shall face Hurontario Street		
8.2.2.22.8	"Pedestrian Street Entrance" means the door designed as an access point into a building for pedestrians and provides a direct pedestrian access to Hurontario Street		



Schedule E1-22
Map 44E

8.2.2.23	Exception: E1-23	Map # 44E	By-law: 0191-2009/ OMB Order 2010 May 05
In an E1-23 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:			
Regulation			
8.2.2.23.1	Required parking may be located on lands zoned E1-22		

8.2.2.24	Exception: E1-24	Map # 37E	By-law: 0191-2009/ OMB Order 2010 May 05
In an E1-24 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:			
Regulations			
8.2.2.24.1	Maximum setback of the first storey of a streetwall of a building erected on a lot abutting a street identified in Note (6) to Table 8.2.1 contained in Subsection 8.2.1 of this By-law		15.0 m
8.2.2.24.2	The provisions of Line 6.2 in Table 8.2.1 contained in Subsection 8.2.1 of this By-law shall not apply		
8.2.2.24.3	A maximum of 30% of the length of a streetwall of the first storey of a building may be set back beyond the maximum setback of 15.0 m		
8.2.2.24.4	Where a building is located within 15.0 m of Hurontario Street, the pedestrian street entrance shall face Hurontario Street		
8.2.2.24.5	"Pedestrian Street Entrance" means the door designed as an access point into a building for pedestrians and provides a direct pedestrian access to Hurontario Street		

8.2.2.25	Exception: E1-25	Map # 37E	By-law: 0191-2009/ OMB Order 2010 May 05
In an E1-25 zone the permitted uses and applicable regulations shall be as specified for an E1 zone except that the following uses/regulations shall apply:			
Regulations			
8.2.2.25.1	Maximum setback to the first storey of a streetwall of an addition to an existing building		48.0 m
8.2.2.25.2	Maximum setback of the first storey of a streetwall of a building erected on a lot abutting a street identified in Note (6) to Table 8.2.1 contained in Subsection 8.2.1 of this By-law		10.0 m
8.2.2.25.3	The provisions of Line 6.2 in Table 8.2.1 contained in Subsection 8.2.1 of this By-law shall not apply		
8.2.2.25.4	A maximum of 30% of the length of a streetwall of the first storey of a building may be set back beyond the maximum setback of 10.0 m		
8.2.2.25.5	Where a building is located within 10.0 m of Hurontario Street, the pedestrian street entrance shall face Hurontario Street		

Exception E1-25 continued on next page

8.2.2.25	Exception: E1-25	Map # 37E	By-law: 0191-2009/ OMB Order 2010 May 05
Exception E1-25 continued from previous page			
8.2.2.25.6	Expansion or alteration to any building or structure legally existing on the date of passing of this By-law shall not be subject to the regulations of Lines 6.0 to 6.3, 13.0 and 14.0 in Table 8.2.1 contained in Subsection 8.2.1 of this By-law		
8.2.2.25.7	"Pedestrian Street Entrance" means the door designed as an access point into a building for pedestrians and provides a direct pedestrian access to Hurontario Street		

8.2.3 E2 Exception Zones

Refer to Article 1.1.2.3 - Exception Zones and Exception Zone Schedules

8.2.3.1	Exception: E2-1	Map # 19, 25, 36W, 44W, 45W, 46E, 53 W, 54E, 54W, 58, 59	By-law: OMB Order 2008 November 10 Case No.: PL070625 File No.: R070168
In an E2-1 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Uses Not Permitted			
8.2.3.1.1	(1)	Truck Terminal	
	(2)	Waste Processing Station	
	(3)	Waste Transfer Station	
	(4)	Composting Facility	
	(5)	Body-Rub Establishment	
	(6)	Adult Entertainment Establishment	
	(7)	Night Club	
Regulation			
8.2.3.1.2	"Parking Area" means an open, unobstructed area of land consisting of one (1) or more parking spaces that is served by driveways and/or aisles, where motor vehicles less than or equal to 3 000 kg in weight are parked on a temporary basis for a period of not more than 14 days and a fee may or may not be charged. This definition of parking area shall only apply to lands zoned E2-1 identified on Maps 45W, 46E, 53W, 54E and 54W		

8.2.3.2	Exception: E2-2	Map # 58	By-law: 0379-2009
In an E2-2 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.3.2.1	(1)	C3 uses contained in Subsection 6.2.1 of this By-law, except: (1.1) Motor Vehicle Rental Facility	
Uses Not Permitted			
8.2.3.2.2	(1)	Truck Terminal	
	(2)	Waste Processing Station	
	(3)	Waste Transfer Station	
	(4)	Composting Facility	
	(5)	Body-Rub Establishment	
	(6)	Adult Entertainment Establishment	
	(7)	Night Club	
	(8)	deleted	
	(9)	Motor Vehicle Repair Facility - Restricted	
Regulation			
8.2.3.2.3	Uses contained in Subsection 8.2.1 of this By-law, and those remaining uses contained in Subsection 6.2.1 of this By-law, shall comply with the C3 zone regulations contained in Subsection 6.2.1 of this By-law		

8.2.3.3	Exception: E2-3	Map # 58	By-law: 0379-2009
In an E2-3 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Uses Not Permitted			
8.2.3.3.1	(1)	Truck Terminal	
	(2)	Waste Processing Station	
	(3)	Waste Transfer Station	
	(4)	Composting Facility	
	(5)	Body-Rub Establishment	
	(6)	Gas Bar	
	(7)	<i>deleted</i>	
	(8)	Motor Vehicle Repair Facility - Restricted	
	(9)	<i>deleted</i>	
	(10)	Motor Vehicle Wash Facility - Restricted	
	(11)	Motor Vehicle Service Station	
	(12)	Adult Entertainment Establishment	
	(13)	Night Club	
Regulations			
8.2.3.3.2	The provisions contained in Subsection 8.1.4 of this By-law shall not apply		
8.2.3.3.3	Minimum setback from lands zoned OS2		30.0 m

8.2.3.4	Exception: E2-4	Map # 59	By-law: 0379-2009
In an E2-4 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Uses Not Permitted			
8.2.3.4.1	(1)	Truck Terminal	
	(2)	Waste Processing Station	
	(3)	Waste Transfer Station	
	(4)	Composting Facility	
	(5)	Body-Rub Establishment	
	(6)	Gas Bar	
	(7)	<i>deleted</i>	
	(8)	Motor Vehicle Repair Facility - Restricted	
	(9)	<i>deleted</i>	
	(10)	Motor Vehicle Wash Facility - Restricted	
	(11)	Motor Vehicle Service Station	
	(12)	Adult Entertainment Establishment	
	(13)	Night Club	
Regulation			
8.2.3.4.2	Minimum front yard where the opposite side of the street on which the lot fronts is in a Residential Zone		20.0 m

8.2.3.5	Exception: E2-5	Map # 18	By-law:
In an E2-5 zone the applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Permitted Uses			
8.2.3.5.1	Lands zoned E2-5 shall only be used for the following:		
	(1) Science and technology facility within an enclosed building		
	(2) Education and Training Facility		
	(3) Overnight Accommodation		
	(4) Office accessory to a science and technology facility		
8.2.3.5.2	A banquet hall/conference centre/convention centre, fitness centre, financial institution, restaurant and take-out restaurant shall only be permitted provided that such uses are located within, and form an integral part of, the building used for one (1) or more of the uses permitted in Sentence 8.2.3.5.1 of this Exception		
Regulations			
8.2.3.5.3	Minimum lot area	0.8 ha	
8.2.3.5.4	Maximum gross floor area - non-residential	0.4 times the lot area	
8.2.3.5.5	Maximum percentage gross floor area - non-residential of all uses listed in Sentence 8.2.3.5.2 of this Exception	15%	

8.2.3.6	Exception: E2-6	Map # 18	By-law: 0325-2008. 0379-2009
In an E2-6 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.6.1	(1)	Education and Training Facility	
Uses Not Permitted			
8.2.3.6.2	(1)	Truck Terminal	
	(2)	Waste Processing Station	
	(3)	Waste Transfer Station	
	(4)	Composting Facility	
	(5)	Body-Rub Establishment	
	(6)	Adult Entertainment Establishment	
	(7)	Night Club	
	(8)	deleted	
	(9)	Motor Vehicle Repair Facility - Restricted	
	(10)	Motor Vehicle Rental Facility	
	(11)	deleted	
	(12)	Motor Vehicle Wash Facility - Restricted	
	(13)	Motor Vehicle Service Station	
	(14)	Gas Bar	
	(15)	Convenience Restaurant	
	(16)	Motor Vehicle Sales, Leasing and/or Rental Facility - Commercial Motor Vehicles	
Regulations			
8.2.3.6.3	The provisions contained in Subsection 8.1.4 of this By-law shall not apply		
8.2.3.6.4	Maximum gross floor area - non-residential		0.4 times the lot area
8.2.3.6.5	Offices and medical offices shall be permitted provided that such uses are located within and form an integral part of, the building used for any other permitted use or a group of buildings on the same lot		

8.2.3.7	Exception: E2-7	Map # 18	By-law: 0325-2008, 0379-2009
In an E2-7 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.7.1	(1)	Education and Training Facility	
Uses Not Permitted			
8.2.3.7.2	(1)	Truck Terminal	
	(2)	Waste Processing Station	
	(3)	Waste Transfer Station	
	(4)	Composting Facility	
	(5)	Body-Rub Establishment	
	(6)	Adult Entertainment Establishment	
	(7)	Night Club	
	(8)	deleted	
	(9)	Motor Vehicle Repair Facility - Restricted	
	(10)	Motor Vehicle Rental Facility	
	(11)	deleted	
	(12)	Motor Vehicle Wash Facility - Restricted	
	(13)	Motor Vehicle Service Station	
	(14)	Gas Bar	
	(15)	Convenience Restaurant	
	(16)	Motor Vehicle Sales, Leasing and/or Rental Facility - Commercial Motor Vehicles	
Regulations			
8.2.3.7.3	The provisions contained in Subsection 8.1.4 of this By-law shall not apply		
8.2.3.7.4	Maximum gross floor area - non-residential		0.6 times the lot area
8.2.3.7.5	Notwithstanding Sentence 8.2.3.7.4 of this Exception, the maximum gross floor area - non-residential used for offices		0.6 times the lot area
8.2.3.7.6	Offices and medical offices shall be permitted provided that such uses are located within and form an integral part of, the building used for any other permitted use or a group of buildings on the same lot		

8.2.3.8	Exception: E2-8	Map # 23, 27, 33	By-law:
In an E2-8 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Regulations			
8.2.3.8.1	The provisions of Lines 10.0 to 13.0 contained in Table 2.1.2.1.1 of this By-law shall not apply		
8.2.3.8.2	The provisions contained in Sentence 8.1.5.1.1 of this By-law shall not apply		

8.2.3.9	Exception: E2-9	Map # 11	By-law: 0379-2009
In an E2-9 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Uses Not Permitted			
8.2.3.9.1	(1)	Transportation Facility	
	(2)	Truck Terminal	
	(3)	Waste Processing Station	
	(4)	Waste Transfer Station	
	(5)	Composting Facility	
	(6)	Body-Rub Establishment	
	(7)	Adult Entertainment Establishment	
	(8)	<i>deleted</i>	
	(9)	Motor Vehicle Repair Facility - Restricted	
	(10)	Motor Vehicle Rental Facility	
	(11)	<i>deleted</i>	
	(12)	<i>deleted</i>	
	(13)	Motor Vehicle Wash Facility - Restricted	
	(14)	Motor Vehicle Service Station	
	(15)	Gas Bar	
	(16)	Motor Vehicle Sales, Leasing and/or Rental Facility - Commercial Motor Vehicles	
	(17)	Night Club	
	(18)	Cardlock Fuel Dispensing Facility	
Regulations			
8.2.3.9.2	The provisions contained in Subsection 8.1.4 of this By-law shall not apply		
8.2.3.9.3	Maximum floor space index office		0.5

8.2.3.10	Exception: E2-10	Map # 11	By-law: 0379-2009
In an E2-10 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Uses Not Permitted			
8.2.3.10.1	(1) Truck Terminal (2) Waste Processing Station (3) Waste Transfer Station (4) Composting Facility (5) Body-Rub Establishment (6) Adult Entertainment Establishment (7) <i>deleted</i> (8) Motor Vehicle Repair Facility - Restricted (9) Motor Vehicle Rental Facility (10) <i>deleted</i> (11) Motor Vehicle Wash Facility - Restricted (12) Motor Vehicle Service Station (13) Gas Bar		
Regulations			
8.2.3.10.2	The provisions contained in Subsections 8.1.4, 8.1.5 and 8.1.6 of this By-law shall not apply		
8.2.3.10.3	Maximum floor space index office		0.5
8.2.3.10.4	Maximum gross floor area - non-residential used for accessory retail sales and accessory retail display		25%
8.2.3.10.5	Minimum front yard		0.25 m
8.2.3.10.6	Minimum easterly side yard		6.0 m
8.2.3.10.7	Minimum westerly side yard		13.5 m

8.2.3.11	Exception: E2-11	Map # 11	By-law:
In an E2-11 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.3.11.1	(1) Place of Religious Assembly (2) Uses Accessory to a Place of Religious Assembly (3) Private School		
Regulations			
8.2.3.11.2	The provisions contained in Subsections 8.1.5 and 8.1.6 of this By-law shall not apply		
8.2.3.11.3	Maximum floor space index office		0.5
8.2.3.11.4	Maximum gross floor area - non-residential		5 200 m ²
8.2.3.11.5	Maximum gross floor area - non-residential used for a worship area		616 m ²
8.2.3.11.6	Minimum parking spaces provided		393
8.2.3.11.7	"Uses Accessory to a Place of Religious Assembly" means an office, travel agency, and funeral preparation room		

8.2.3.12	Exception: E2-12	Map # 11, 27, 45W, 53W	By-law:
In an E2-12 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.3.12.1	(1) Public School (2) Day Care		
Regulations			
8.2.3.12.2	The provisions of Lines 2.0 to 10.0 contained in Table 2.1.9.1 of this By-law shall apply		
8.2.3.12.3	The provisions contained in Subsections 8.1.5 and 8.1.6 of this By-law shall not apply		
8.2.3.12.4	Maximum floor space index office	0.5	
8.2.3.12.5	Minimum width of a landscaped buffer abutting a G1 zone	7.0 m	

8.2.3.13	Exception: E2-13	Map # 35W	By-law:
In an E2-13 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.13.1	(1)	Accessory Convenience Uses	
Regulations			
8.2.3.13.2	Maximum gross floor area - non-residential		270 m ²
8.2.3.13.3	Maximum gross floor area - non-residential used for accessory convenience uses		158 m ²
8.2.3.13.4	"Accessory Convenience Uses" shall mean a shop where food and convenience goods are stored and offered for sale at retail and may include an automatic banking machine but such establishment does not include the preparation of food		

8.2.3.14	Exception: E2-14	Map # 17	By-law: 0379-2009
In an E2-14 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Uses Not Permitted			
8.2.3.14.1	(1)	Truck Terminal	
	(2)	Waste Processing Station	
	(3)	Waste Transfer Station	
	(4)	Composting Facility	
	(5)	Body-Rub Establishment	
	(6)	Adult Entertainment Establishment	
	(7)	Night Club	
	(8)	Overnight Accommodation	
	(9)	Conference Centre/Convention Centre	
	(10)	deleted	
	(11)	Motor Vehicle Repair Facility - Restricted	
	(12)	Motor Vehicle Rental Facility	
	(13)	Motor Vehicle Service Station	
	(14)	Gas Bar	
	(15)	deleted	
	(16)	Motor Vehicle Wash Facility - Restricted	
Holding Provision			
The holding symbol H is to be removed from the whole or any part of the lands zoned H-E2-14 by further amendment to Map 17 of Schedule B contained in Part 13 of this By-law, as amended, upon satisfaction of the following requirements:			
	(1)	development will not be permitted on the lands until the long-term care, maintenance, and security of the gas control system for the former North Sheridan Landfill site is established by the Region of Peel;	
	(2)	development proposals must demonstrate that they will not interfere with the migration gas control system of the former North Sheridan Landfill site.	

8.2.3.15	Exception: E2-15	Map # 04	By-law: 0396-2009/ OMB Order 2010 May 17
In an E2-15 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.15.1	(1)	Garden Centre	
Uses Not Permitted			
8.2.3.15.2	(1)	Transportation Facility	
	(2)	Truck Terminal	
	(3)	Waste Processing Station	
	(4)	Waste Transfer Station	
	(5)	Composting Facility	
	(6)	Contractor Service Shop	
	(7)	Adult Entertainment Establishment	
	(8)	Body-Rub Establishment	
	(9)	Cardlock Fuel Dispensing Facility	
Regulation			
8.2.3.15.3	Outdoor storage of particulate materials such as but not limited to salt and sand shall be within enclosed containers, a structure with a minimum of three (3) sides and a roof, or otherwise covered		

8.2.3.16	Exception: E2-16	Map # 12, 23	By-law:
In an E2-16 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Uses Not Permitted			
8.2.3.16.1	(1)	Adult Entertainment Establishment	
	(2)	Body-Rub Establishment	
	(3)	Night Club	

8.2.3.17	Exception: E2-17	Map # 44E	By-law: 0379-2009
In an E2-17 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.17.1	(1)	Outdoor patio accessory to a restaurant or convenience restaurant	
Uses Not Permitted			
8.2.3.17.2	(1)	Waste Processing Station	
	(2)	Waste Transfer Station	
	(3)	Composting Facility	
	(4)	Body-Rub Establishment	
	(5)	Day Care	
	(6)	Adult Entertainment Establishment	
	(7)	Adult Video Store	
Regulations			
8.2.3.17.3	deleted		
8.2.3.17.4	Maximum gross floor area - non-residential used for offices		0.5 times the lot area
8.2.3.17.5	Minimum front yard		6.0 m
8.2.3.17.6	Minimum exterior side yard		6.0 m
8.2.3.17.7	Minimum interior side yard		4.5 m
8.2.3.17.8	Minimum setback of a building or structure from the Highway 401 right-of-way		13.7 m
8.2.3.17.9	Minimum setback of a building or structure to McLaughlin Road		7.5 m
8.2.3.17.10	Maximum height of a building or structure used for offices		2 storeys
8.2.3.17.11	Maximum number of courier/messenger service delivery vehicles permitted to be stored outside		10

8.2.3.18	Exception: E2-18	Map # 14	By-law:
In an E2-18 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Uses Not Permitted			
8.2.3.18.1	(1)	Truck Terminal	
	(2)	Waste Processing Station	
	(3)	Waste Transfer Station	
	(4)	Composting Facility	
	(5)	Body-Rub Establishment	
	(6)	Adult Entertainment Establishment	
	(7)	Night Club	

Exception E2-18 continued on next page

Part 8 - Employment Zones

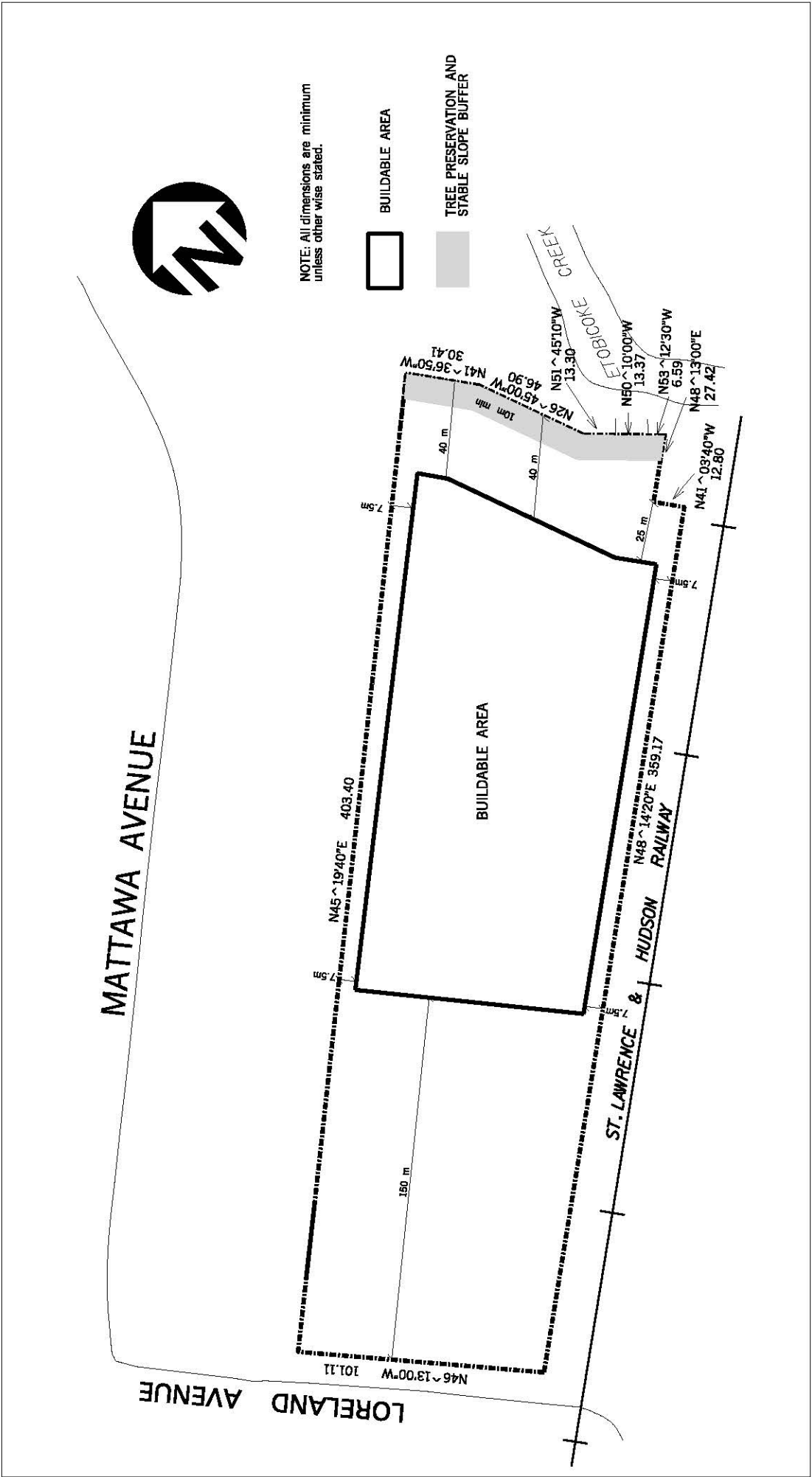
8.2.3.18	Exception: E2-18	Map # 14	By-law:
Exception E2-18 continued from previous page			
Regulations			
8.2.3.18.2	Minimum landscaped buffer abutting a Residential Zone		15.0 m
8.2.3.18.3	Minimum setback of a building or structure to a Residential Zone		25.5 m
8.2.3.18.4	A chain-link fence shall be required along the lot line abutting the Residential Zone		
8.2.3.18.5	Minimum height of a chain-link fence required under Sentence 8.2.3.18.2 of this Exception		1.8 m
8.2.3.18.6	No building or structure shall have doors or windows facing a Residential Zone		

8.2.3.19	Exception: E2-19	Map # 12, 13, 23, 27, 35W, 36E, 44E, 49E, 54W	By-law:
In an E2-19 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.19.1	(1)	E3 uses contained in Subsection 8.2.1 of this By-law, except: (1.1) Power Generating Facility	
Regulations			
8.2.3.19.2	The provisions contained in Sentence 8.1.5.1.1 of this By-law shall not apply		
8.2.3.19.3	Uses contained in Sentence 8.2.3.19.1 of this Exception and the E2 uses contained in Subsection 8.2.1 of this By-law, shall comply with the E3 zone regulations contained in Subsection 8.2.1 of this By-law		

8.2.3.20	Exception: E2-20	Map # 12	By-law: OMB Order 2009 March 17 Case No.: PL060319 File No.: R070162
In an E2-20 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.3.20.1	(1) Motor Vehicle Body Repair Facility (2) Contractor's Yard (3) Outdoor Storage (4) Power Generating Facility		
Regulations			
8.2.3.20.2	Maximum percentage of lot area used for outdoor storage	45%	
8.2.3.20.3	The area used for outdoor storage shall not be closer to any streetline than the main building or structure		
8.2.3.20.4	Minimum landscaped buffer abutting Loreland Avenue	6.0 m	
8.2.3.20.5	Minimum rear yard setback from tree preservation and stable slope buffer	7.5 m	
8.2.3.20.6	The rear yard setback shall be measured from the western extent of the tree preservation and stable slope buffer		

Exception E2-20 continued on next page

8.2.3.20	Exception: E2-20	Map # 12	By-law: OMB Order 2009 March 17 Case No.: PL060319 File No.: R070162
Exception E2-20 continued from previous page			
8.2.3.20.7	Minimum width of the tree preservation and stable slope buffer		10.0 m
8.2.3.20.8	Minimum height of fencing surrounding the area used for outdoor storage		2.9 m
8.2.3.20.9	The fence surrounding the area used for outdoor storage shall not be situated closer to any streetline than any portion of the main building or structure or closer to the rear property line than the required minimum rear yard		
8.2.3.20.10	Maximum height of materials in the area used for outdoor storage		2.9 m
8.2.3.20.11	"Tree Preservation and Stable Slope Buffer" means an area where no building or structure, walk, patio, vehicular driveway or ramp, whether surfaced or not, any curb, retaining wall, motor vehicle parking area or open storage is permitted and where existing vegetation shall not be removed except where dead, hazardous or for conservation uses.		
8.2.3.20.12	All site development plans shall comply with the tree preservation and stable slope buffer identified on Schedule E2-20 of this Exception		
8.2.3.20.13	A power generating facility shall also comply with the following: (1) maximum height 28.0 m (2) maximum height of storage tanks 11.0 m (3) maximum height of heat recovery steam generator structure 37.0 m (4) maximum height of heat recovery steam generator stack and relief valve vent piping 43.0 m (5) maximum capacity of all storage tanks, excluding cooling towers 6 500 m³ (6) minimum setback of storage tanks from the northerly interior side lot line 15.0 m (7) fuel oil shall not be used for the production of electrical power (8) site development plans for a power generating facility shall comply with Schedule E2-20 of this Exception		
Holding Provision			
Only the following use shall be permitted prior to the removal of the holding symbol H: (1) Power generating facility in which stormwater from all hard surfaced areas shall be harvested and used in conjunction with municipal water for process cooling. The holding symbol H is to be removed from the whole or any part of the lands zoned H-E2-20 by further amendment to Map 12 of Schedule B contained in Part 13 of this By-law, as amended, upon satisfaction of the following requirement: (1) delivery of executed Servicing and Development Agreements regarding the construction of municipal works to service the site and arrangements for associated land dedications, easements, securities, and, arrangements for the applicable Tree Permit application.			



Schedule E2-20
Map 12

8.2.3.21	Exception: E2-21	Map # 01	By-law: 0379-2009
In an E2-21 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Uses Not Permitted			
8.2.3.21.1	(1)	Truck Terminal	
	(2)	Waste Processing Station	
	(3)	Waste Transfer Station	
	(4)	Composting Facility	
	(5)	Body-Rub Establishment	
	(6)	Adult Entertainment Establishment	
	(7)	Night Club	
	(8)	<i>deleted</i>	
	(9)	Motor Vehicle Repair Facility - Restricted	
	(10)	Motor Vehicle Rental Facility	
	(11)	Gas Bar	
	(12)	<i>deleted</i>	
	(13)	Motor Vehicle Wash Facility - Restricted	
	(14)	Motor Vehicle Service Station	

8.2.3.22	Exception: E2-22	Map # 27	By-law:
In an E2-22 zone the permitted uses and applicable regulations shall be as specified for an E2 zone			
Holding Provision			
The holding symbol H is to be removed from the whole or any part of the lands zoned H-E2-22 by further amendment to Map 27 of Schedule B contained in Part 13 of this By-law, as amended, upon satisfaction of the following requirement:			
	(1)	the applicant enter into Servicing and Development agreements to dedicate and construct the road and municipal services required in support of the development of these parcels to the satisfaction of the City.	

8.2.3.23	Exception: E2-23	Map # 52E	By-law: 0379-2009
In an E2-23 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Uses Not Permitted			
8.2.3.23.1	(1)	Place of Religious Assembly	
	(2)	Library	
	(3)	Motor Vehicle Repair Facility - Restricted	
	(4)	Overnight Accommodation	
	(5)	Restaurant	
	(6)	Financial Institution	
	(7)	Broadcasting/Communication Facility	
Regulations			
8.2.3.23.2	The provisions contained in Subsections 8.1.5 and 8.1.6 of this By-law shall not apply		
8.2.3.23.3	Minimum setback of all buildings and structures from the lot line abutting a Residential Zone		20.0 m
Holding Provision			
<p>The holding symbol H is to be removed from the whole or any part of the lands zoned H-E2-23 by further amendment to Map 52E of Schedule B contained in Part 13 of this By-law, as amended, upon satisfaction of the following requirements:</p> <p>(1) the stormwater management facility (Part 1, Reference Plan 43R-25114) and storm sewer outlet to Fletcher's Creek shall be constructed and operable to the satisfaction of the City Transportation and Works Department and Credit Valley Conservation;</p> <p>(2) the completion of services (including storm sewers) and registration of Draft Plan of Subdivision T-M95022, Ben-Ted Limited;</p> <p>(3) delivery of an executed Development Agreement in a form satisfactory to The Corporation of the City of Mississauga;</p> <p>(4) satisfactory arrangements being made with the City Transportation and Works Department for establishing a 0.3 m reserve across the Saint Barbara Boulevard frontage of the site.</p>			

8.2.3.24	Exception: E2-24	Map # 35E, 35W, 36E, 36W, 40W, 43E, 43W, 44E, 44W, 45W, 46E, 51E, 54E, 54W, 58, 59	By-law: 0379-2009
In an E2-24 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Uses Not Permitted			
8.2.3.24.1	(1)	Truck Terminal	
	(2)	Waste Processing Station	
	(3)	Waste Transfer Station	
	(4)	Composting Facility	
	(5)	Body-Rub Establishment	
	(6)	Adult Entertainment Establishment	
	(7)	Night Club	
	(8)	<i>deleted</i>	
	(9)	Motor Vehicle Repair Facility - Restricted	
	(10)	Motor Vehicle Rental Facility	
	(11)	Gas Bar	
	(12)	Motor Vehicle Service Station	
	(13)	<i>deleted</i>	
	(14)	Motor Vehicle Wash Facility - Restricted	
Regulations			
8.2.3.24.2	The provisions contained in Subsection 8.1.4 of this By-law shall not apply		
8.2.3.24.3	Notwithstanding the provisions contained in Subsection 8.1.5 of this By-law, accessory outdoor storage shall not be permitted in a yard abutting Highway 401, 403 or 410		

8.2.3.25	Exception: E2-25	Map # 54W	By-law:
In an E2-25 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.3.25.1	(1)	E3 uses contained in Subsection 8.2.1 of this By-law, except:	
	(1.1)	Power Generating Facility	
Regulations			
8.2.3.25.2	The provisions contained in Sentence 8.1.5.1.1 of this By-law shall not apply		
8.2.3.25.3	Minimum setback of a building, structure or part thereof, to a gas transmission pipeline easement		10.0 m
8.2.3.25.4	Uses contained in Sentence 8.2.3.25.1 and the E2 uses contained in Subsection 8.2.1 of this By-law, shall comply with the E3 zone regulations contained in Subsection 8.2.1 of this By-law		

8.2.3.26	Exception: E2-26	Map # 54E	By-law: 0379-2009
In an E2-26 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Uses Not Permitted			
8.2.3.26.1	(1) Truck Terminal		
	(2) Waste Processing Station		
	(3) Waste Transfer Station		
	(4) Composting Facility		
	(5) Body-Rub Establishment		
	(6) Adult Entertainment Establishment		
	(7) Night Club		
	(8) <i>deleted</i>		
	(9) Motor Vehicle Repair Facility - Restricted		
	(10) Motor Vehicle Rental Facility		
	(11) Motor Vehicle Service Station		
	(12) <i>deleted</i>		
	(13) Motor Vehicle Wash Facility - Restricted		
	(14) Gas Bar		
Regulations			
8.2.3.26.2	The provisions contained in Subsection 8.1.4 of this By-law shall not apply		
8.2.3.26.3	Minimum setback of buildings, structures or parts thereof, to Highway 401		13.7 m

8.2.3.27	Exception: E2-27	Map # 22	By-law:
In an E2-27 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Regulation			
8.2.3.27.1	The provisions contained in Sentence 8.1.5.1.1 of this By-law shall not apply		

8.2.3.28	Exception: E2-28	Map # 44E	By-law: 0191-2009
In an E2-28 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.28.1	(1)	Outdoor patio accessory to a restaurant or convenience restaurant	
Uses Not Permitted			
8.2.3.28.2	(1)	Truck Terminal	
	(2)	Waste Processing Station	
	(3)	Waste Transfer Station	
	(4)	Composting Facility	
	(5)	Body-Rub Establishment	
	(6)	Adult Entertainment Establishment	
	(7)	Night Club	
Regulations			
8.2.3.28.3	The provisions contained in Subsection 8.1.4 of this By-law shall not apply		
8.2.3.28.4	Maximum setback of a building or structure from Derry Road West		16.5 m
8.2.3.28.5	Minimum setback of motor vehicle parking and loading facilities from Derry Road West		16.5 m

8.2.3.29	Exception: E2-29	Map # 45W, 46E	By-law:
In an E2-29 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.29.1	(1)	Outdoor Storage	
Uses Not Permitted			
8.2.3.29.2	(1)	Truck Terminal	
	(2)	Waste Processing Station	
	(3)	Waste Transfer Station	
	(4)	Composting Facility	
	(5)	Body-Rub Establishment	
	(6)	Adult Entertainment Establishment	
	(7)	Night Club	
Regulations			
8.2.3.29.3	The provisions contained in Subsections 8.1.5 and 8.1.6 of this By-law shall not apply		
8.2.3.29.4	The provisions contained in Subsection 8.1.7 of this By-law shall apply		

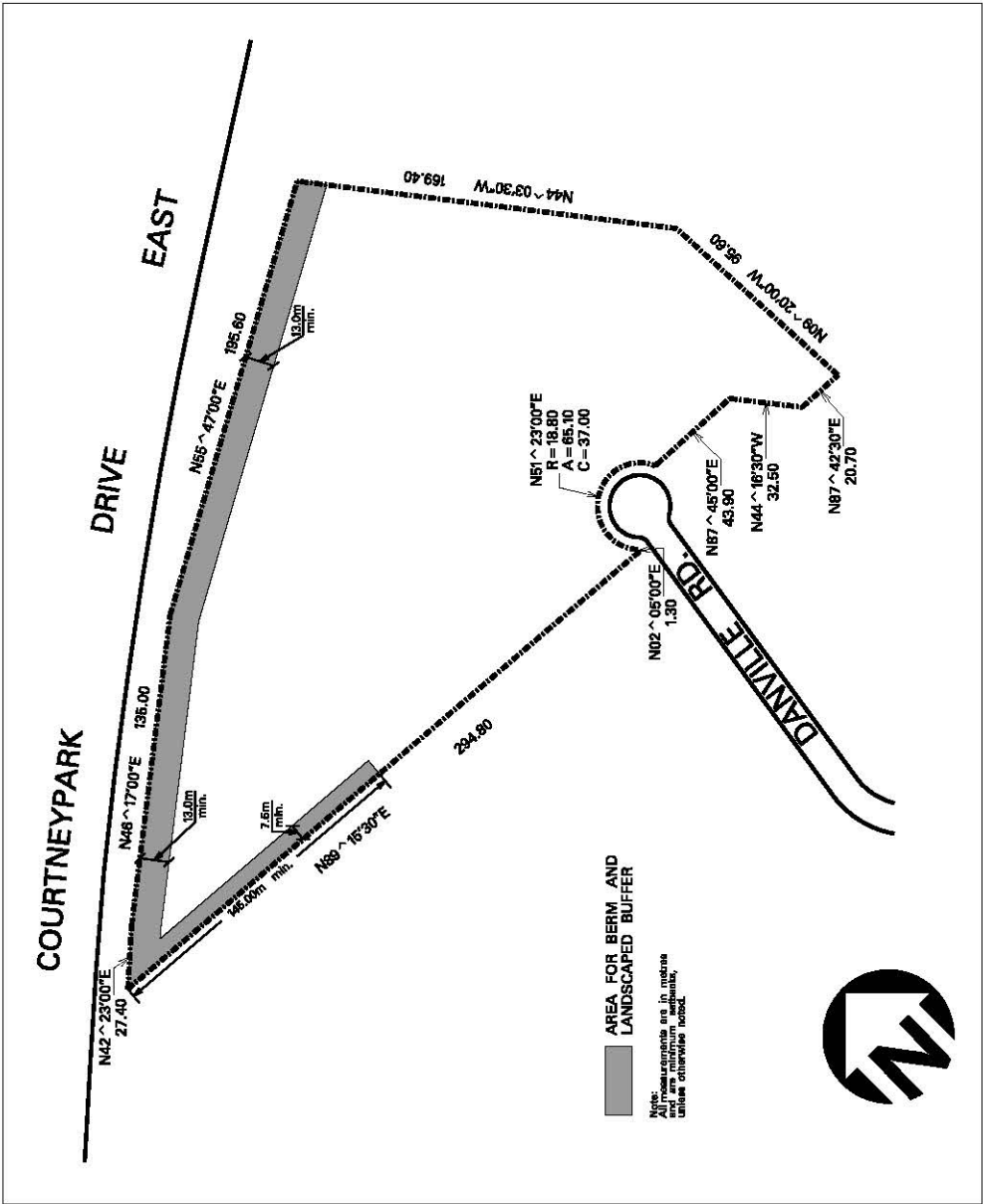
8.2.3.30	Exception: E2-30	Map # 23, 53W	By-law:
In an E2-30 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.30.1	(1)	Day Care	
Uses Not Permitted			
8.2.3.30.2	(1)	Adult Entertainment Establishment	
	(2)	Body-Rub Establishment	
	(3)	Night Club	
	(4)	Truck Terminal	
	(5)	Waste Processing Station	
	(6)	Waste Transfer Station	
	(7)	Composting Facility	

8.2.3.31	Exception: E2-31	Map # 18	By-law:
In an E2-31 zone the applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Permitted Uses			
8.2.3.31.1	Lands zoned E2-31 shall only be used for the following:		
	(1) Science and Technology Facility		
	(2) Educational and Training Facility		
	(3) Overnight Accommodation		
	(4) Office accessory to a science and technology facility		
	(5) Private School		
8.2.3.31.2	A banquet hall/conference centre/convention centre, fitness centre, financial institution, restaurant, take-out restaurant and/or convenience restaurant shall only be permitted provided such uses are located within, and form an integral part of the building used for one (1) or more of the uses contained in Sentence 8.2.3.31.1 of this Exception		
Regulations			
8.2.3.31.3	Minimum lot area		0.8 ha
8.2.3.31.4	Maximum gross floor area - non-residential		0.4 times the lot area
8.2.3.31.5	Maximum percentage of gross floor area - non-residential of all uses contained in Sentence 8.2.3.31.2 of this Exception		15%

8.2.3.32	Exception: E2-32	Map # 43E	By-law:
In an E2-32 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.32.1	(1)	Retail Store	
Regulations			
8.2.3.32.2	Maximum gross floor area - non-residential		7 450 m ²
8.2.3.32.3	Maximum gross floor area - non-residential used for all retail stores		300 m ²

8.2.3.33	Exception: E2-33	Map # 43E	By-law:
In an E2-33 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.33.1	(1)	Convenience retail and service kiosk accessory to a cardlock fuel dispensing facility	
Regulations			
8.2.3.33.2	Maximum gross floor area - non-residential used for an accessory convenience retail and service kiosk		400 m ²
8.2.3.33.3	Required parking for a permitted use may be located on lands zoned U-6		

8.2.3.34	Exception: E2-34	Map # 43E	By-law:
In an E2-34 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Regulation			
8.2.3.34.1	All landscaped buffers shall comply with Schedule E2-34 of this Exception		



Schedule E2-34
Map 43E

8.2.3.35	Exception: E2-35	Map # 45W	By-law: 0379-2009
In an E2-35 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.35.1	(1)	Private Community Centre	
Uses Not Permitted			
8.2.3.35.2	(1)	Truck Terminal	
	(2)	Waste Processing Station	
	(3)	Waste Transfer Station	
	(4)	Composting Facility	
	(5)	Body-Rub Establishment	
	(6)	Adult Entertainment Establishment	
	(7)	Night Club	
	(8)	Adult Video Store	
Regulation			
8.2.3.35.3	The provisions contained in Subsection 8.1.4 of this By-law shall not apply		

8.2.3.36	Exception: E2-36	Map # 23	By-law:
In an E2-36 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.3.36.1	(1)	Recycling and processing of concrete and asphalt	
	(2)	E3 uses contained in Subsection 8.2.1 of this By-law, except:	
	(2.1)	Power Generating Facility	
	(2.2)	Composting Facility	
	(2.3)	Waste Transfer Station	
Regulation			
8.2.3.36.2	The provisions of Line 11.0 contained in Table 2.1.2.1.1 of this By-law shall not apply		

8.2.3.37	Exception: E2-37	Map # 36E	By-law:
In an E2-37 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.37.1	(1)	Motor vehicle parking facilities associated with the lands zoned OS2-6	

8.2.3.38	Exception: E2-38	Map # 33, 35W, 40W, 41E, 49E	By-law:
In an E2-38 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Uses Not Permitted			
8.2.3.38.1	(1)	Truck Terminal	
	(2)	Waste Processing Station	
	(3)	Waste Transfer Station	
	(4)	Composting Facility	
	(5)	Adult Entertainment Establishment	
	(6)	Body-Rub Establishment	
	(7)	Broadcasting/communication facility including any lands used for a right-of-way	

8.2.3.39	Exception: E2-39	Map # 40W	By-law:
In an E2-39 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.3.39.1	(1)	Personal Service Establishment	
	(2)	Travel Agency	
	(3)	Photography Studio	
Regulations			
8.2.3.39.2	Minimum number of parking spaces per 100 m ² gross floor area - non-residential used for a motor vehicle rental facility		1.6
8.2.3.39.3	Minimum number of parking spaces per leased vehicle which is stored within a building or structure		1.0
8.2.3.39.4	Tandem parking will be permitted		

8.2.3.40	Exception: E2-40	Map # 26	By-law:
In an E2-40 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.40.1	(1)	Outdoor patio accessory to a restaurant, convenience restaurant or take-out restaurant	
Uses Not Permitted			
8.2.3.40.2	(1)	Motel	
	(2)	Waste Processing Station	
	(3)	Waste Transfer Station	
	(4)	Composting Facility	

8.2.3.41	Exception: E2-41	Map # 42W	By-law:
In an E2-41 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Regulation			
8.2.3.41.1	Maximum number of motor vehicles stored outdoors accessory to a truck rental facility		25

8.2.3.42	Exception: E2-42	Map # 35W, 42W, 50E, 50W	By-law:
In an E2-42 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Regulations			
8.2.3.42.1	Notwithstanding Sentence 8.1.5.1.1 of this By-law, the maximum area permitted to be used for outdoor storage		50% of lot area
8.2.3.42.2	An outdoor storage area shall not be situated closer to any street line than the rear wall of the main building or structure		

8.2.3.43	Exception: E2-43	Map # 42W	By-law:
In an E2-43 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.3.43.1	(1) Storage and sale of the following: <ul style="list-style-type: none"> (1.1) Motor vehicle parts and accessories (1.2) Trailer parts (1.3) Tires and accessories (1.4) Construction tools and accessories (1.5) Farm equipment and accessories (1.6) Plumbing supplies (1.7) Electrical supplies (1.8) Building supplies 		
8.2.3.43.2	Uses contained in Sentence 8.2.3.43.1 shall only be permitted provided such establishment incorporates the storage and sale of two (2) or more different types of the commodities listed		

8.2.3.44	Exception: E2-44	Map # 50W	By-law:
In an E2-44 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Regulations			
8.2.3.44.1	The provisions contained in Sentence 8.1.6.1.2 of this By-law shall not apply		
8.2.3.44.2	Minimum setback of outdoor storage from Dixie Road		110.0 m
8.2.3.44.3	Maximum number of trucks or truck trailers, accessory to the sale, leasing, repair and assembly of trucks and trailers permitted to be displayed outside		4

8.2.3.45	Exception: E2-45	Map # 50W	By-law:
In an E2-45 zone the applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Permitted Uses			
8.2.3.45.1	Lands zoned E2-45 shall only be used for the following:		
	(1)	Gas Bar	
	(2)	Motor Vehicle Service Station	
	(3)	Restaurant	
	(4)	Office	
Use Not Permitted			
8.2.3.45.2	(1)	Outdoor storage of motor vehicles over 5 000 kg gross weight or construction equipment	
Regulations			
8.2.3.45.3	Maximum gross floor area - restaurant used for all restaurants		171 m ²
8.2.3.45.4	Maximum gross floor area - non-residential used for all offices		130 m ²

8.2.3.46	Exception: E2-46	Map # 45W	By-law:
In an E2-46 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.46.1	(1)	Motor Vehicle Sales, Leasing and/or Rental Facility - Restricted	
Regulation			
8.2.3.46.2	The provisions contained in Sentence 8.1.5.1.1 of this By-law shall not apply		

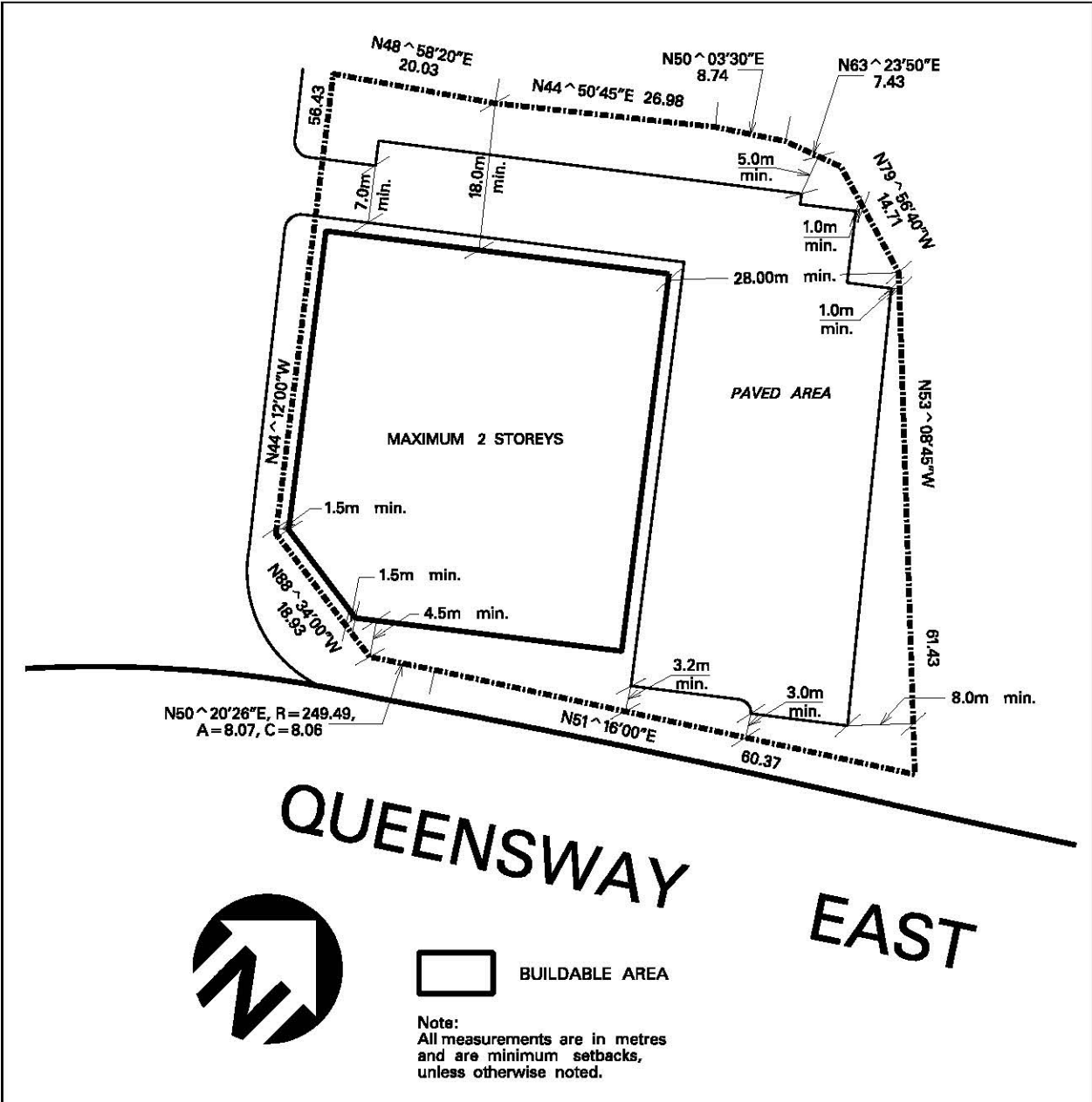
8.2.3.47	Exception: E2-47	Map # 46E	By-law:
In an E2-47 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.3.47.1	(1)	Motor Vehicle Sales, Leasing and/or Rental Facility - Restricted	
	(2)	Motor Vehicle Equipment Outlet	

8.2.3.48	Exception: E2-48	Map # 51W	By-law:
In an E2-48 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.48.1	(1)	Motor Vehicle Sales, Leasing and/or Rental Facility - Restricted	
Uses Not Permitted			
8.2.3.48.2	(1)	Truck Terminal	
	(2)	Waste Processing Station	
	(3)	Waste Transfer Station	
	(4)	Composting Facility	
	(5)	Body-Rub Establishment	
	(6)	Adult Entertainment Establishment	
	(7)	Night Club	
Regulation			
8.2.3.48.3	Minimum landscaped buffer along the lot line abutting Derry Road East		7.5 m

8.2.3.49	Exception: E2-49	Map # 44W	By-law: 0379-2009
In an E2-49 zone the applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Permitted Use			
8.2.3.49.1	Lands zoned E2-49 shall only be used for the following:		
	(1) Motor Vehicle Sales, Leasing and/or Rental Facility - Restricted		
Regulations			
8.2.3.49.2	Minimum front yard		6.0 m
8.2.3.49.3	Maximum height		11.0 m
8.2.3.49.4	The provisions contained in Subsection 8.1.5 of this By-law shall not apply		

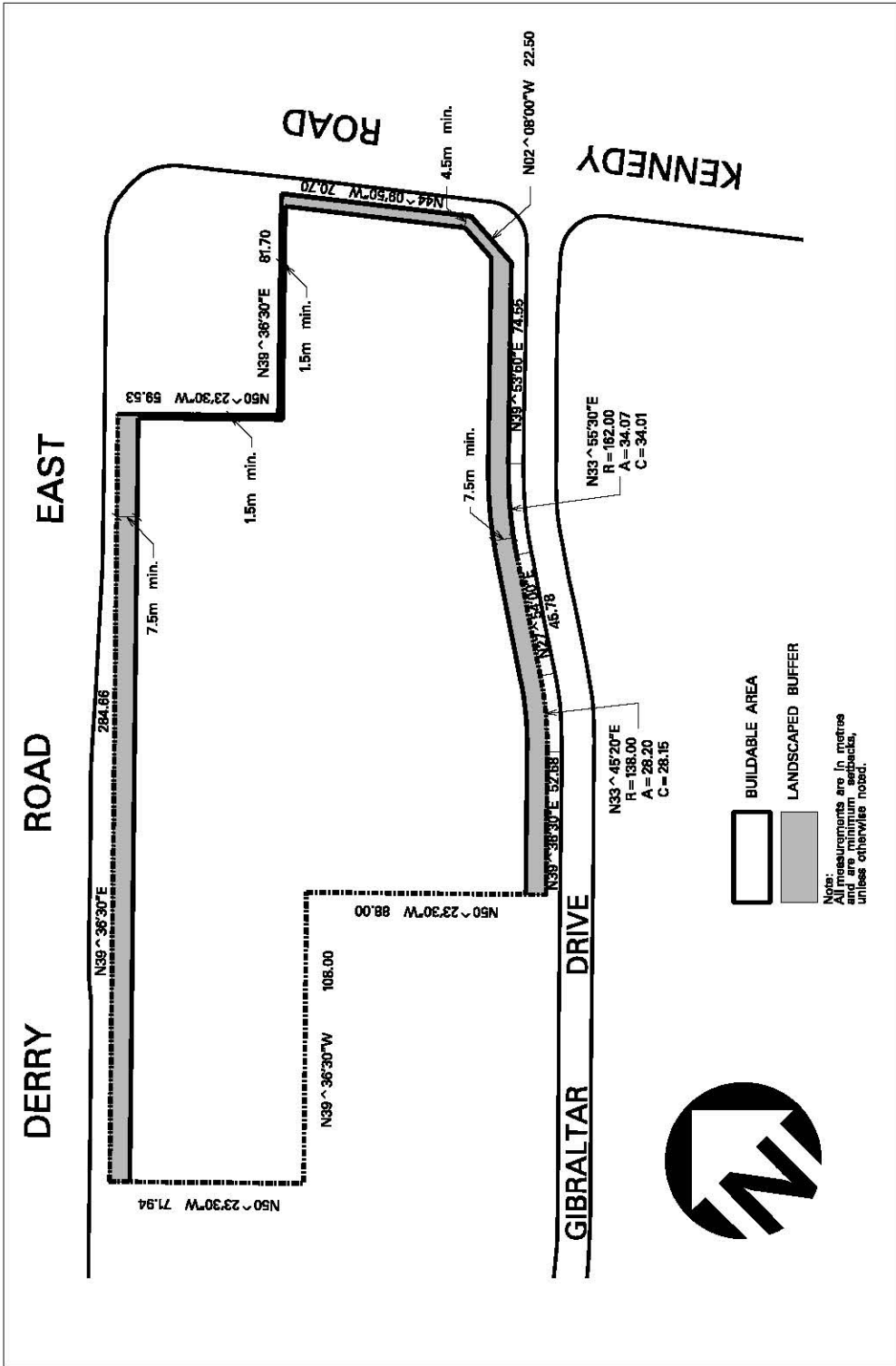
8.2.3.50	Exception: E2-50	Map # 51W	By-law: 0191-2009
In an E2-50 zone the applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Permitted Uses			
8.2.3.50.1	Lands zoned E2-50 shall only be used for the following:		
	(1)	E1 uses contained in Subsection 8.2.1 of this By-law	
	(2)	Motor vehicle tire sales, service and installation facility	
Regulations			
8.2.3.50.2	Uses contained in Sentence 8.2.3.50.1 of this Exception shall comply with the E1 zone regulations contained in Subsection 8.2.1 of this By-law except that:		
	(1)	minimum rear yard	3.3 m
	(2)	minimum height of all buildings and structures, excluding the area used for tire sales	7.3 m

8.2.3.51	Exception: E2-51	Map # 12	By-law: 0379-2009
In an E2-51 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.51.1	(1)	Retail Store	
Uses Not Permitted			
8.2.3.51.2	(1)	Truck Terminal	
	(2)	Waste Processing Station	
	(3)	Waste Transfer Station	
	(4)	Composting Facility	
	(5)	Body-Rub Establishment	
	(6)	Adult Entertainment Establishment	
	(7)	Motor Vehicle Repair Facility - Restricted	
	(8)	Motor Vehicle Rental Facility	
	(9)	Night Club	
Regulations			
8.2.3.51.3	The provisions contained in Subsection 8.1.4 of this By-law shall not apply		
8.2.3.51.4	Maximum gross floor area - non-residential		2 600 m ²
8.2.3.51.5	Maximum gross floor area - non-residential used for all retail stores		1 300 m ²
8.2.3.51.6	All site development plans shall comply with Schedule E2-51 of this Exception.		



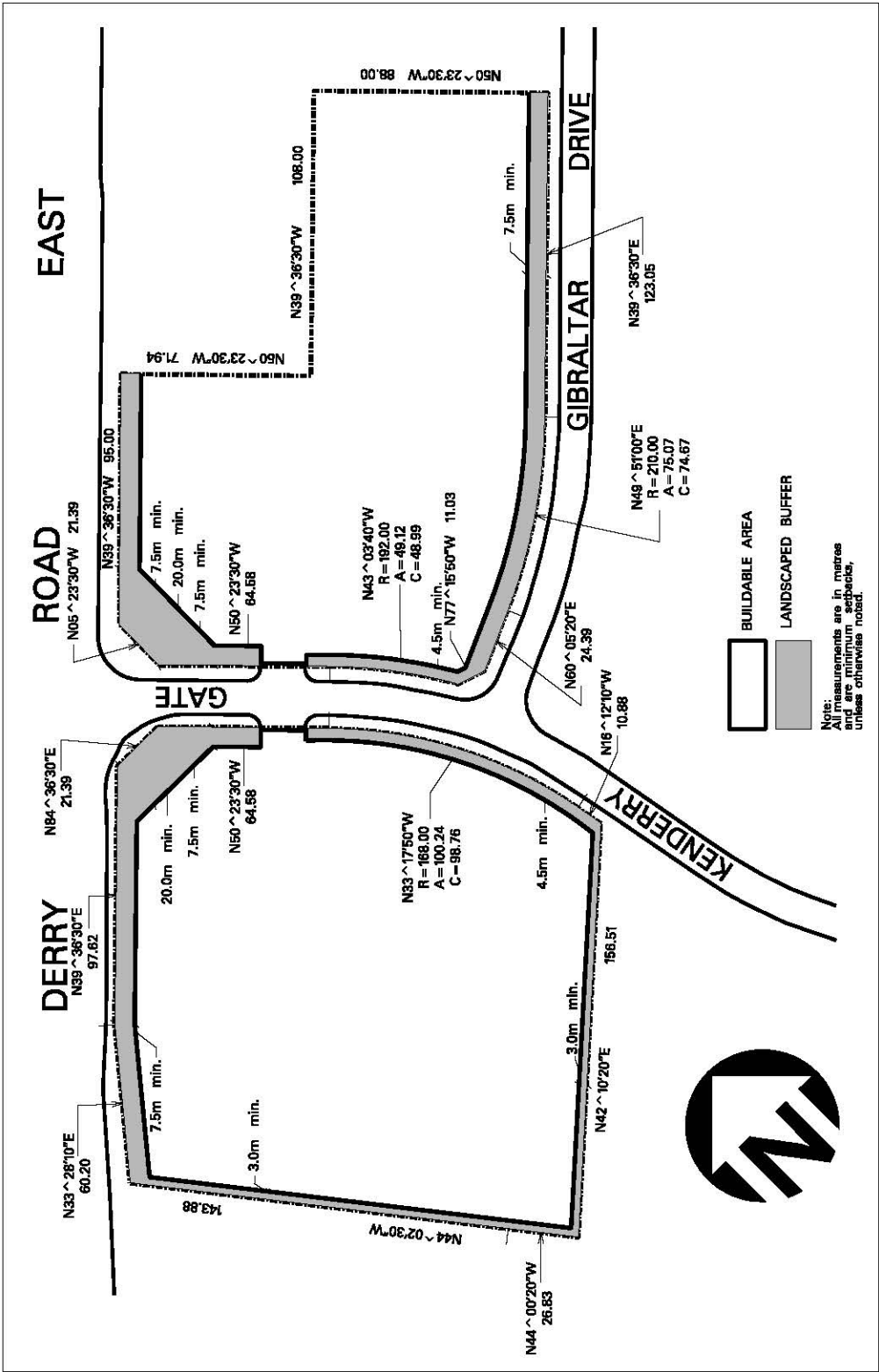
Schedule E2-51
Map 12

8.2.3.52	Exception: E2-52	Map # 43W	By-law:
In an E2-52 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.52.1	(1)	Repair and service of trucks and truck trailers, including the installation of heating/air conditioning equipment, with temporary outdoor storage of trucks and truck trailers, accessory to the repair and service operation	
Regulations			
8.2.3.52.2	The provisions contained in Sentence 8.1.5.1.1 of this By-law shall not apply		
8.2.3.52.3	Maximum gross floor area - non-residential used for office		0.5 times the lot area
8.2.3.52.4	All landscaped buffers shall comply with Schedule E2-52 of this Exception		



Schedule E2-52
Map 43W

8.2.3.53	Exception: E2-53	Map # 43W	By-law:
In an E2-53 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.53.1	(1)	Repair and service of trucks and truck trailers, including the installation of heating/air conditioning equipment, with temporary outdoor storage of trucks and truck trailers, accessory to the repair and service operation	
Regulations			
8.2.3.53.2	The provisions contained in Sentence 8.1.5.1.1 of this By-law shall not apply		
8.2.3.53.3	All landscaped buffers shall comply with Schedule E2-53 of this Exception		



Schedule E2-53
Map 43W

8.2.3.54	Exception: E2-54	Map # 44W	By-law: 0379-2009
In an E2-54 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.3.54.1	(1)	Motor Vehicle Sales, Leasing and/or Rental Facility - Restricted	
Uses Not Permitted			
8.2.3.54.2	(1)	Body-Rub Establishment	
	(2)	Adult Video Store	
	(3)	Adult Entertainment Establishment	
	(4)	Night Club	
	(5)	Private Club	
	(6)	Entertainment Establishment	
	(7)	Recreational Establishment	
	(8)	Active Recreational Use	
	(9)	Broadcasting/Communication Facility	
	(10)	Gas Bar	
	(11)	Motor Vehicle Rental Facility	
	(12)	deleted	
	(13)	Motor Vehicle Repair Facility - Restricted	
	(14)	Motor Vehicle Sales, Leasing and/or Rental Facility - Commercial Motor Vehicles	
	(15)	Motor Vehicle Service Station	
	(16)	deleted	
	(17)	Motor Vehicle Wash Facility - Restricted	
	(18)	Truck Terminal	
	(19)	Waste Processing Station	
	(20)	Waste Transfer Station	
	(21)	Composting Facility	
Regulations			
8.2.3.54.3	The provisions contained in Subsection 8.1.5 of this By-law shall not apply		
8.2.3.54.4	Minimum front yard		6.0 m
8.2.3.54.5	Minimum exterior side yard		4.5 m

8.2.3.55	Exception: E2-55	Map # 44W	By-law: 0379-2009
In an E2-55 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.55.1	(1)	Motor Vehicle Sales, Leasing and/or Rental Facility - Restricted	
Uses Not Permitted			
8.2.3.55.2	(1)	Restaurant	
	(2)	Convenience Restaurant	
	(3)	Body-Rub Establishment	
	(4)	Adult Video Store	
	(5)	Adult Entertainment Establishment	
	(6)	Night Club	
	(7)	Private Club	
	(8)	Entertainment Establishment	
	(9)	Recreational Establishment	
	(10)	Active Recreational Use	
	(11)	Broadcasting/Communication Facility	
	(12)	Gas Bar	
	(13)	Motor Vehicle Rental Facility	
	(14)	deleted	
	(15)	Motor Vehicle Repair Facility - Restricted	
	(16)	Motor Vehicle Sales, Leasing and/or Rental Facility - Commercial Motor Vehicles	
	(17)	Motor Vehicle Service Station	
	(18)	deleted	
	(19)	Motor Vehicle Wash Facility - Restricted	
	(20)	Truck Terminal	
	(21)	Waste Processing Station	
	(22)	Waste Transfer Station	
	(23)	Composting Facility	
Regulations			
8.2.3.55.3	The provisions contained in Subsections 8.1.4 and 8.1.5 of this By-law shall not apply		
8.2.3.55.4	Maximum gross floor area - non-residential used for all offices		11 140 m ²
8.2.3.55.5	Minimum depth of landscaped buffer along the lot line abutting Ivandale Drive		7.0 m
8.2.3.55.6	The lot line abutting Ivandale Drive shall be deemed to be the front lot line		7.0 m
8.2.3.55.7	Minimum front yard		7.0 m
8.2.3.55.8	Minimum exterior side yard		4.5 m
8.2.3.55.9	Maximum building height		10.7 m

8.2.3.56	Exception: E2-56	Map # 37W	By-law: 0379-2009
In an E2-56 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Uses Not Permitted			
8.2.3.56.1	(1)	Truck Terminal	
	(2)	Waste Processing Station	
	(3)	Waste Transfer Station	
	(4)	Composting Facility	
	(5)	Body-Rub Establishment	
	(6)	Adult Entertainment Establishment	
	(7)	Night Club	
	(8)	<i>deleted</i>	
	(9)	Motor Vehicle Repair Facility - Restricted	
	(10)	Motor Vehicle Rental Facility	
	(11)	Gas Bar	
	(12)	Motor Vehicle Service Station	
	(13)	<i>deleted</i>	
	(14)	Motor Vehicle Wash Facility - Restricted	
Regulation			
8.2.3.56.2	Minimum setback where the opposite side of the street is a Residential Zone		30.0 m

8.2.3.57	Exception: E2-57	Map # 06, 07	By-law: 0379-2009
In an E2-57 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Uses Not Permitted			
8.2.3.57.1	(1)	Truck Terminal	
	(2)	Waste Processing Station	
	(3)	Waste Transfer Station	
	(4)	Composting Facility	
	(5)	Body-Rub Establishment	
	(6)	Adult Entertainment Establishment	
	(7)	Night Club	
	(8)	Outdoor Storage	
	(9)	Transportation Facility	
	(10)	Broadcasting/Communication Facility	
	(11)	Financial Institution	
	(12)	Restaurant	
	(13)	Convenience Restaurant	
	(14)	Take-out Restaurant	
	(15)	<i>deleted</i>	
	(16)	Motor Vehicle Repair Facility - Restricted	
	(17)	Motor Vehicle Rental Facility	
	(18)	Gas Bar	
	(19)	Motor Vehicle Service Station	
	(20)	<i>deleted</i>	
	(21)	Motor Vehicle Wash Facility - Restricted	
	(22)	Overnight Accommodation	
	(23)	Banquet Hall/Conference Centre/Convention Centre	
	(24)	Entertainment Establishment	
	(25)	Recreational Establishment	
	(26)	Accessory Outdoor Storage	
Regulation			
8.2.3.57.2	Notwithstanding the provisions contained in Subsection 8.1.5 of this By-law, accessory outdoor storage shall not be permitted		

8.2.3.58	Exception: E2-58	Map # 07, 08	By-law: 0325-2008, 0379-2009
In an E2-58 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Uses Not Permitted			
8.2.3.58.1	(1)	Broadcasting/Communication Facility	
	(2)	Transportation Facility	
	(3)	Truck Terminal	
	(4)	Animal Boarding Establishment	
	(5)	Waste Processing Station	
	(6)	Waste Transfer Station	
	(7)	Composting Facility	
	(8)	Self Storage Facility	
	(9)	Propane Storage	
	(10)	Convenience Restaurant	
	(11)	Night Club	
	(12)	Overnight Accommodation	
	(13)	Adult Video Store	
	(14)	Adult Entertainment Establishment	
	(15)	Body-Rub Establishment	
	(16)	Cardlock Fuel Dispensing Facility	
Regulation			
8.2.3.58.2	The regulations of Line 5.1 contained in Table 8.2.1 of this By-law shall not apply		

8.2.3.59	Exception: E2-59	Map # 27	By-law:
In an E2-59 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.3.59.1	(1)	Retail Commercial Uses Accessory to an Office	
	(2)	Outdoor patio accessory to a restaurant, convenience restaurant or take-out restaurant	
Uses Not Permitted			
8.2.3.59.2	(1)	Adult Entertainment Establishment	
	(2)	Body-Rub Establishment	
	(3)	Adult Video Store	
Regulations			
8.2.3.59.3	Maximum gross floor area - non residential used for all retail commercial uses accessory to an office		15%
8.2.3.59.4	All retail commercial uses accessory to an office shall be conducted wholly within a building or structure principally used for an office		
8.2.3.59.5	"Retail Commercial Uses Accessory to an Office" means a retail store, personal service establishment, veterinary clinic, financial institution and motor vehicle sales, leasing and/or rental facility - restricted		

8.2.3.60	Exception: E2-60	Map # 43W	By-law:
In an E2-60 zone the applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Permitted Use			
8.2.3.60.1	Lands zoned E2-60 shall only be used for the following:		
(1)	Works Yard		

8.2.3.61	Exception: E2-61	Map # 44W	By-law: 0379-2009
In an E2-61 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.61.1	(1)	Motor Vehicle Sales, Leasing and/or Rental Facility - Restricted	
Uses Not Permitted			
8.2.3.61.2	(1)	Truck Terminal	
	(2)	Waste Processing Station	
	(3)	Waste Transfer Station	
	(4)	Composting Facility	
	(5)	Body-Rub Establishment	
	(6)	Adult Entertainment Establishment	
	(7)	Night Club	
	(8)	Recreational Establishment	
	(9)	Broadcasting/Communication Facility	
	(10)	deleted	
	(11)	Motor Vehicle Repair Facility - Restricted	
	(12)	Gas Bar	
	(13)	Motor Vehicle Service Station	
	(14)	deleted	
	(15)	Motor Vehicle Wash Facility - Restricted	
Regulations			
8.2.3.61.3	Minimum landscaped buffer abutting a Residential Zone		4.5 m
8.2.3.61.4	Minimum landscaped buffer abutting a Residential Zone for all permitted uses contained in Table 8.2.1		15.0 m
8.2.3.61.5	Minimum setback to Mavis Road		6.0 m
8.2.3.61.6	Minimum setback to a Buffer Zone		6.0 m

8.2.3.62	Exception: E2-62	Map # 12	By-law:
In an E2-62 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.62.1	(1)	Food Store	
Regulation			
8.2.3.62.2	Maximum gross floor area - non-residential food store		320 m ²

8.2.3.63	Exception: E2-63	Map # 44E	By-law: 0191-2009
In an E2-63 zone the applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Permitted Uses			
8.2.3.63.1	Lands zoned E2-63 shall only be used for the following:		
	(1) E1 uses contained in Subsection 8.2.1 of this By-law		
Regulation			
8.2.3.63.2	Uses contained in Sentence 8.2.3.63.1 of this Exception shall comply with the E1 zone regulations contained in Subsection 8.2.1 of this By-law		

8.2.3.64	Exception: E2-64	Map # 27	By-law:
In an E2-64 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Regulations			
8.2.3.64.1	The lot line abutting Eglinton Avenue East shall be deemed to be the front lot line		
8.2.3.64.2	Minimum front yard		3.0 m
8.2.3.64.3	Minimum exterior side yard		5.0 m
8.2.3.64.4	Minimum interior side yard		5.0 m
8.2.3.64.5	Minimum rear yard		7.5 m
8.2.3.64.6	Minimum setback to a sight triangle		3.0 m

8.2.3.65	Exception: E2-65	Map # 43E	By-law:
In an E2-65 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.3.65.1	(1)	Outdoor storage of trucks or trailers accessory to a warehouse/distribution facility	
	(2)	Maintenance of trucks or trailers accessory to a warehouse/distribution facility	
Regulations			
8.2.3.65.2	Maximum gross floor area - non-residential used for accessory truck or trailer maintenance		1 200 m ²
8.2.3.65.3	Minimum setback of a building or structure used for accessory truck or trailer maintenance to Kennedy Road		400.0 m
8.2.3.65.4	Trucks or trailers stored outside shall be permitted to locate in front of loading bay doors provided that the storage or parking of trucks or trailers does not obstruct any aisle or driveway		

8.2.3.66	Exception: E2-66	Map # 27	By-law:
In an E2-66 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.3.66.1	(1)	Long-Term Care Dwelling	
	(2)	Retirement Dwelling	

8.2.3.67	Exception: E2-67	Map # 49E	By-law: 0379-2009
In an E2-67 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Uses Not Permitted			
8.2.3.67.1	(1)	Truck Terminal	
	(2)	Waste Processing Station	
	(3)	Waste Transfer Station	
	(4)	Composting Facility	
	(5)	Body-Rub Establishment	
	(6)	Adult Entertainment Establishment	
	(7)	Night Club	
	(8)	Accessory Dwelling Unit	
	(9)	<i>deleted</i>	
	(10)	Motor Vehicle Repair Facility - Restricted	
	(11)	Motor Vehicle Rental Facility	
	(12)	Gas Bar	
	(13)	Motor Vehicle Service Station	
	(14)	<i>deleted</i>	
	(15)	Motor Vehicle Wash Facility - Restricted	
Regulation			
8.2.3.67.2	Minimum setback of outdoor storage to a Residential Zone		30.0 m

8.2.3.68	Exception: E2-68	Map # 33	By-law:
In an E2-68 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Uses Not Permitted			
8.2.3.68.1	(1)	Truck Terminal	
	(2)	Waste Processing Station	
	(3)	Waste Transfer Station	
	(4)	Composting Facility	
	(5)	Body-Rub Establishment	
	(6)	Broadcasting/communication facility including any lands used for a right-of-way	
	(7)	Motor Vehicle Body Repair Facility	
Regulations			
8.2.3.68.2	The regulations of Line 4.0 contained in Table 8.2.1 of this By-law shall not apply		
8.2.3.68.3	Maximum percentage of accessory uses that are retail stores		50%
8.2.3.68.4	Minimum front yard		6.0 m
8.2.3.68.5	Minimum exterior side yard		6.0 m
8.2.3.68.6	Minimum interior side yard		6.0 m
8.2.3.68.7	Minimum rear yard		6.0 m
8.2.3.68.8	Minimum setback of any underground parking structures and associated stairwells, ramps and/or access ramps		1.5 m

8.2.3.69	Exception: E2-69	Map # 49E	By-law:
In an E2-69 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Regulation			
8.2.3.69.1	Minimum setback to a Greenbelt Zone		10.0 m

8.2.3.70	Exception: E2-70	Map # 42E	By-law:
In an E2-70 zone the applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Permitted Use			
8.2.3.70.1	Lands zoned E2-70 shall only be used for the following:		
	(1) The existing skeet club		
Regulation			
8.2.3.70.2	Enlargement or redevelopment of the existing buildings or structures shall not be permitted		

8.2.3.71	Exception: E2-71	Map # 46E	By-law:
In an E2-71 zone the applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Permitted Use			
8.2.3.71.1	Lands zoned E2-71 shall only be used for the following:		
	(1) Essential Emergency Service		

8.2.3.72	Exception: E2-72	Map # 50W	By-law:
In an E2-72 zone the applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Permitted Use			
8.2.3.72.1	Lands zoned E2-72 shall only be used for the following:		
	(1) Place of Religious Assembly		

8.2.3.73	Exception: E2-73	Map # 44E, 51W	By-law: 0191-2009
In an E2-73 zone the applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Permitted Uses			
8.2.3.73.1	Lands zoned E2-73 shall only be used for the following:		
	(1)	E1 uses contained in Subsection 8.2.1 of this By-law	
	(2)	Motor Vehicle Service Station	
	(3)	Gas Bar	
Regulation			
8.2.3.73.2	Uses contained in Sentence 8.2.3.73.1 of this Exception shall comply with the E1 zone regulations contained in Subsection 8.2.1 of this By-law		

8.2.3.74	Exception: E2-74	Map # 54E	By-law: 0325-2008
In an E2-74 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Uses Not Permitted			
8.2.3.74.1	(1)	Truck Terminal	
	(2)	Waste Processing Station	
	(3)	Waste Transfer Station	
	(4)	Composting Facility	
	(5)	Body-Rub Establishment	
	(6)	Adult Entertainment Establishment	
	(7)	Night Club	
Regulations			
8.2.3.74.2	The landscaped buffer width along the front lot line shall be a minimum width equal to 40% of the front yard setback		
8.2.3.74.3	The lot line abutting Mississauga Road shall be deemed to be the front lot line		
8.2.3.74.4	Minimum setback to Mississauga Road		25.0 m
8.2.3.74.5	A maximum of one (1) aisle accommodating no more than two (2) rows of parking shall be permitted in the front yard		

8.2.3.75	Exception: E2-75	Map # 54W	By-law:
In an E2-75 zone the applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Permitted Use			
8.2.3.75.1	Lands zoned E2-75 shall only be used for the following:		
	(1)	Pumping Station	

8.2.3.76	Exception: E2-76	Map # 55	By-law:
In an E2-76 zone the permitted uses and applicable regulations shall be as specified for an E2 zone			
Holding Provision			
<p>The holding symbol H is to be removed from the whole or any part of the lands zoned H-E2-76 by further amendment to Map 55 of Schedule B contained in Part 13 of this By-law, as amended, upon satisfaction of the following requirements:</p> <ol style="list-style-type: none"> (1) satisfactory arrangements to secure the provision of adequate sanitary sewer, storm sewer and water services with sufficient capacity to service the full development of the site; (2) satisfactory arrangements to secure the provision of adequate access to the site including roads, sidewalks, traffic signals, street lighting and the location of entrances and exits to and from the site, to the satisfaction of the City's Commissioner of Transportation and Works; (3) satisfactory arrangements to secure the provision of hydro-electric power services of sufficient capacity to service the full development of the site, to the satisfaction of Enersource Hydro Mississauga; (4) payment to the City of all planning, processing and administration fees in relation to the development of the site; (5) payment of all arrears of municipal taxes and local improvement charges for the site; and, (6) payment of all applicable development levies or imposts, if any, required by the City, the Regional Municipality of Peel or Enersource Hydro Mississauga, in accordance with the development levy policies applicable to the site, or the approval of those parties, to the effect that satisfactory arrangements to secure the payment of any such development levies or impacts have been made. 			

8.2.3.77	Exception: E2-77	Map # 45W, 46E	By-law:
In an E2-77 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.3.77.1	(1)	Retail Store	
	(2)	Garden Centre	
Uses Not Permitted			
8.2.3.77.2	(1)	Truck Terminal	
	(2)	Waste Processing Station	
	(3)	Waste Transfer Station	
	(4)	Composting Facility	
	(5)	Body-Rub Establishment	
	(6)	Adult Entertainment Establishment	
	(7)	Night Club	

8.2.3.78	Exception: E2-78	Map # 52E	By-law: 0191-2009
In an E2-78 zone the applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Permitted Uses			
8.2.3.78.1	Lands zoned E2-78 shall only be used for the following:		
	<div><div>(1)</div><div>E1 uses contained in Subsection 8.2.1 of this By-law</div><div>(2)</div><div>Restaurant</div><div>(3)</div><div>Convenience Restaurant</div><div>(4)</div><div>Outdoor patio accessory to a restaurant or convenience restaurant</div></div>		
Regulations			
8.2.3.78.2	Uses contained in Sentence 8.2.3.78.1 of this Exception shall comply with the E1 zone regulations contained in Subsection 8.2.1 of this By-law except that:		
	<div><div>(1)</div><div>minimum landscaped buffer along the lot line of any street other than Hurontario Street or Derry Road West</div></div>		3.0 m
	<div><div>(2)</div><div>minimum landscaped buffer along the lot line abutting a D zone</div></div>		3.0 m
	<div><div>(3)</div><div>minimum setback of a free-standing building or structure used for a restaurant or convenience restaurant from Hurontario Street</div></div>		100.0 m
	<div><div>(4)</div><div>maximum number of courier/messenger service delivery vehicles permitted to be stored outside</div></div>		10

8.2.3.79	Exception: E2-79	Map # 42E	By-law:
In an E2-79 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.3.79.1	(1)	C3 uses contained in Subsection 6.2.1 of this By-law, except:	
	(1.1)	Amusement Arcade	
	(2)	Outdoor patio accessory to a restaurant or convenience restaurant	
Uses Not Permitted			
8.2.3.79.2	(1)	Body-Rub Establishment	
	(2)	Adult Entertainment Establishment	
	(3)	Adult Video Store	
	(4)	Place of Religious Assembly	
	(5)	Day Care	
	(6)	Private School	
Regulation			
8.2.3.79.3	Maximum percentage of gross floor area - non-residential used for retail stores		50%

8.2.3.80	Exception: E2-80	Map # 59	By-law:
In an E2-80 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Uses Not Permitted			
8.2.3.80.1	(1)	Body-Rub Establishment	
	(2)	Adult Entertainment Establishment	
	(3)	Night Club	
Regulations			
8.2.3.80.2	Maximum gross floor area - non-residential for offices and medical offices		0.36 times the lot area
8.2.3.80.3	Minimum landscaped buffer along the lot line abutting Burnhamthorpe Road West		6.0 m
8.2.3.80.4	Minimum landscaped buffer along the lot line abutting Highway 403		7.5 m
8.2.3.80.5	Minimum landscaped buffer along the lot line abutting The Collegeway		4.5 m
8.2.3.80.6	Minimum setback of all buildings and structures from the lot line abutting Ridgeway Drive		20.0 m
8.2.3.80.7	Maximum setback of all buildings and structures from the lot line abutting Burnhamthorpe Road West		31.0 m
8.2.3.80.8	Maximum setback of all buildings and structures from the lot line abutting Highway 403		35.0 m
8.2.3.80.9	Maximum setback of all buildings and structures from the lot line abutting The Collegeway		29.0 m
8.2.3.80.10	Minimum setback of all buildings and structures from any sight triangle		0.0 m

8.2.3.81	Exception: E2-81	Map # 59	By-law:
In an E2-81 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.3.81.1	(1) Motor Vehicle Body Repair Facility (2) Contractor's yard and/or shops including unlimited outdoor storage (3) Outdoor Storage		
Uses Not Permitted			
8.2.3.81.2	(1) Body-Rub Establishment (2) Adult Entertainment Establishment (3) Night Club		
Regulations			
8.2.3.81.3	Maximum gross floor area - non-residential used for offices and medical offices	0.36 times the lot area	
8.2.3.81.4	The provisions contained in Sentence 8.1.5.1.1 of this By-law shall not apply		

8.2.3.82	Exception: E2-82	Map # 40W	By-law:
In an E2-82 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.3.82.1	(1) Bingo Hall (2) Retail Store		
Uses Not Permitted			
8.2.3.82.2	(1) Truck Terminal (2) Waste Processing Station (3) Waste Transfer Station (4) Composting Facility (5) Body-Rub Establishment (6) Broadcasting/communication facility including any lands used for a right-of-way		
Regulations			
8.2.3.82.3	Maximum gross floor area - non-residential used for a retail store	215 m ²	
8.2.3.82.4	"Retail Store" means a printing establishment with an accessory post office, mail room and computer services		

8.2.3.83	Exception: E2-83	Map # 13	By-law:
In an E2-83 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.83.1	(1)	Warehousing and processing of fruits and/or vegetables as a principal use, with accessory bulk sales of fruits and vegetables, and with accessory sales of wine-making essentials within the building or structure or canopied areas	
Regulations			
8.2.3.83.2	Maximum gross floor area - non-residential used for the uses contained in Sentence 8.2.3.83.1 of this Exception		1 260 m ²
8.2.3.83.3	Motor vehicle parking and loading shall be provided in accordance with Part 3 of this By-law, at the industrial/manufacturing facility (single-occupancy building) rate for the uses contained in Sentence 8.2.3.83.1 of this Exception		
8.2.3.83.4	"Accessory Bulk Sales of Fruits and Vegetables" means retail sales of unpackaged fruits and vegetables, either in processed or non-processed form, in quantities either in boxes, crates, bins or other containers		

8.2.3.84	Exception: E2-84	Map # 35W	By-law: 0379-2009
In an E2-84 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Regulations			
8.2.3.84.1	Minimum lot frontage - corner lot used for a motor vehicle wash facility - restricted		70.0 m
8.2.3.84.2	Minimum lot frontage - interior lot used for a or motor vehicle wash facility - restricted		60.0 m
8.2.3.84.3	Maximum gross floor area - non-residential used for a convenience retail and service kiosk		340 m ²
8.2.3.84.4	Maximum gross floor area - non-residential used for an accessory take-out restaurant		70 m ²
8.2.3.84.5	Maximum number of convenience retail and service kiosks on all lands zoned E2-84		1
8.2.3.84.6	The lot line abutting Britannia Road East shall be deemed to be the front lot line		
8.2.3.84.7	Minimum front yard		16.0 m
8.2.3.84.8	Minimum exterior side yard		7.5 m
8.2.3.84.9	Minimum interior side yard		5.0 m
8.2.3.84.10	Minimum rear yard		10.5 m

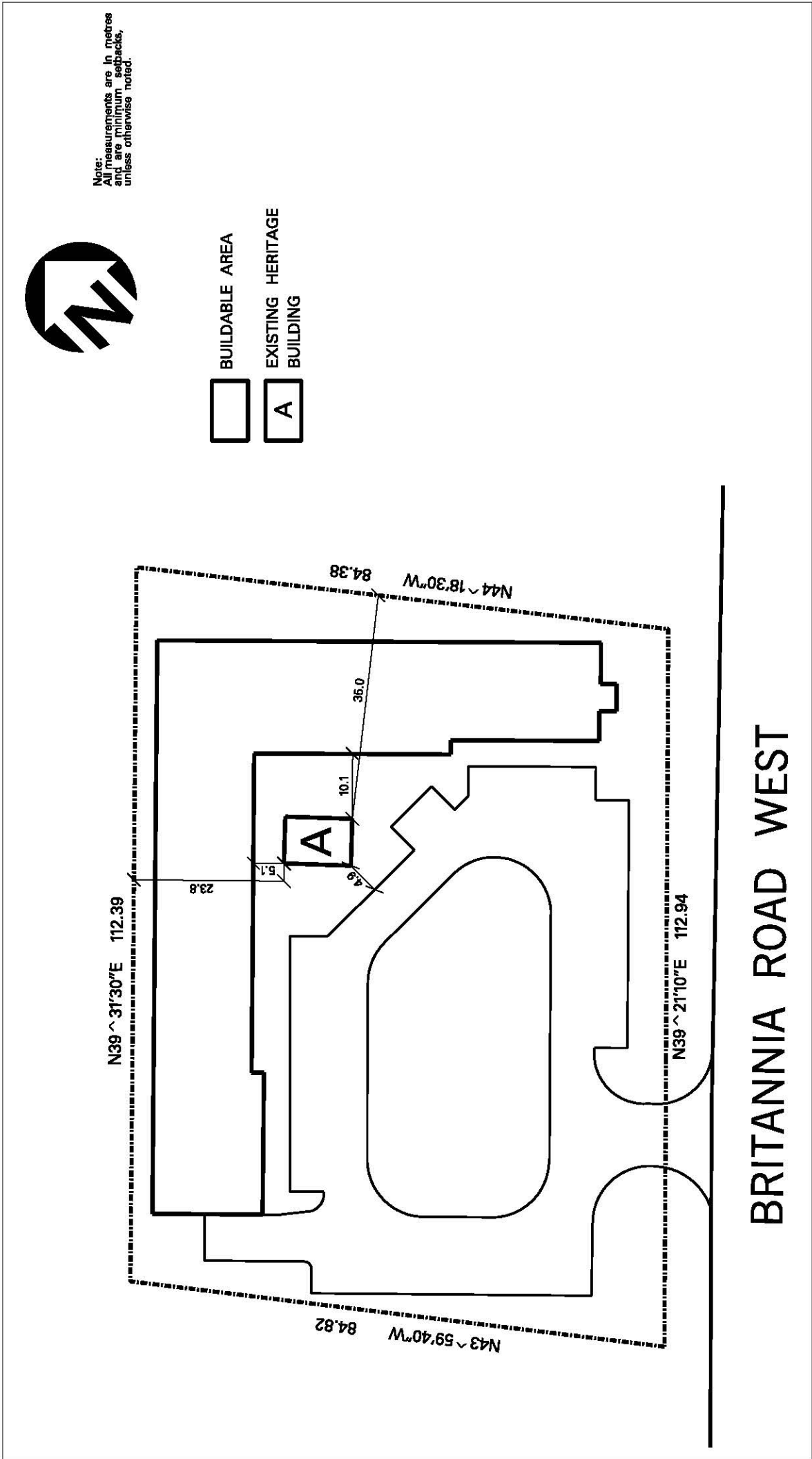
8.2.3.85	Exception: E2-85	Map # 50W	By-law:
In an E2-85 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.3.85.1	(1)	Accessory commercial building which includes an automatic banking machine, restaurant , laundromat, showers for use of cardlock fuel dispensing customers only and convenience store	
Regulations			
8.2.3.85.2	Maximum gross floor area - non-residential for an accessory commercial building		375 m ²
8.2.3.85.3	Minimum depth of a landscaped buffer along the entire length of the lot lines abutting Dixie Road and the northern property line		6.0 m
8.2.3.85.4	Minimum setback of an accessory commercial building to Dixie Road		6.0 m
8.2.3.85.5	Minimum setback of an accessory commercial building to Drew Road		5.0 m
8.2.3.85.6	Maximum setback of an accessory commercial building to Dixie Road and Drew Road		11.0 m
8.2.3.85.7	No buildings or structures shall be situated closer than 19.0 m to the rear lot line or 80.0 m to the interior or exterior side lot lines		
8.2.3.85.8	Driveways, parking spaces, aisles or loading areas shall not be located between any building or structure and the Dixie Road and Drew Road lot lines		
8.2.3.85.9	Minimum number of parking spaces per 100 m ² gross floor area - non-residential used for an accessory commercial building		5.4

8.2.3.86	Exception: E2-86	Map # 27	By-law:
In an E2-86 zone the applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Permitted Uses			
8.2.3.86.1	Lands zoned E2-86 shall only be used for the following:		
	(1)	Restaurant	
	(2)	Convenience Restaurant	
	(3)	Take-out Restaurant	
Regulations			
8.2.3.86.2	The regulations contained in Subsection 3.1.5 of this By-law shall not apply		
8.2.3.86.3	Minimum number of stacking lane parking spaces	12	
8.2.3.86.4	Minimum distance between the last required stacking lane parking space and the closest entry driveway	16.0 m	
8.2.3.86.5	Minimum width of the stacking lane	4.0 m	
8.2.3.86.6	Minimum centreline radius of the stacking lane	6.5 m on any curve	

8.2.3.87	Exception: E2-87	Map # 23, 49W	By-law:
In an E2-87 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.3.87.1	(1) Salvage Yard		
	(2) E3 uses contained in Subsection 8.2.1 of this By-law, except:		
	(2.1) Power Generating Facility		
Regulations			
8.2.3.87.2	The provisions contained in Sentence 8.1.5.1.1 of this By-law shall not apply		
8.2.3.87.3	A salvage yard operation shall be conducted within an enclosed building or structure or within an area surrounded by a rigid fence		
8.2.3.87.4	Storage of materials outside within enclosed containers will not be permitted		
8.2.3.87.5	Minimum height of fence	1.8 m	
8.2.3.87.6	Maximum height of scrap metal and salvage stored on site	6.0 m	
8.2.3.87.7	Uses contained in Sentence 8.2.3.87.1 and the E2 uses contained in Subsection 8.2.1 of this By-law, shall comply with the E3 zone regulations contained in Subsection 8.2.1 of this By-law		

8.2.3.88	Exception: E2-88	Map # 35E	By-law: 0325-2008
In an E2-88 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Use Not Permitted			
8.2.3.88.1	(1)	Motel	
Regulation			
8.2.3.88.2	For the purposes of this By-law, all lands zoned E2-88 shall be considered one (1) lot		

8.2.3.89	Exception: E2-89	Map # 46E	By-law: 0065-2010
In an E2-89 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.3.89.1	(1) Retail Store (2) Personal Service Establishment (3) Motor vehicle sales, leasing and/or rental facility - restricted excluding an accessory motor vehicle body repair facility		
Uses Not Permitted			
8.2.3.89.2	(1) Transportation Facility (2) Truck Terminal (3) Waste Processing Station (4) Waste Transfer Station (5) Composting Facility (6) Contractor Service Shop (7) Adult Video Store (8) Adult Entertainment Establishment (9) Animal Boarding Establishment (10) Body-Rub Establishment (11) Cardlock Fuel Dispensing Facility (12) Night Club (13) Private Club (14) Parking Lot (15) Courier/Messenger Service		
Regulations			
8.2.3.89.3	Maximum gross floor area - non-residential		2 841 m ²
8.2.3.89.4	Maximum gross floor area - non-residential used for a retail store, a personal service establishment, or any combination thereof		995 m ²
8.2.3.89.5	Minimum interior side yard		3.18 m
8.2.3.89.6	Minimum rear yard		3.15 m
8.2.3.89.7	In addition to the regulation of Line 24.0 in Table 3.1.2.2 contained in Article 3.1.2.2 of this By-law, parking for a retail store, a personal service establishment, or any combination thereof will be provided in accordance with the applicable regulations contained in Table 3.1.2.2 of this By-law		
8.2.3.89.8	Enlargement of the existing Heritage Building identified as 'A' on Schedule E2-89 of this Exception shall not be permitted		
8.2.3.89.9	All site development plans shall comply with Schedule E2-89 of this Exception		

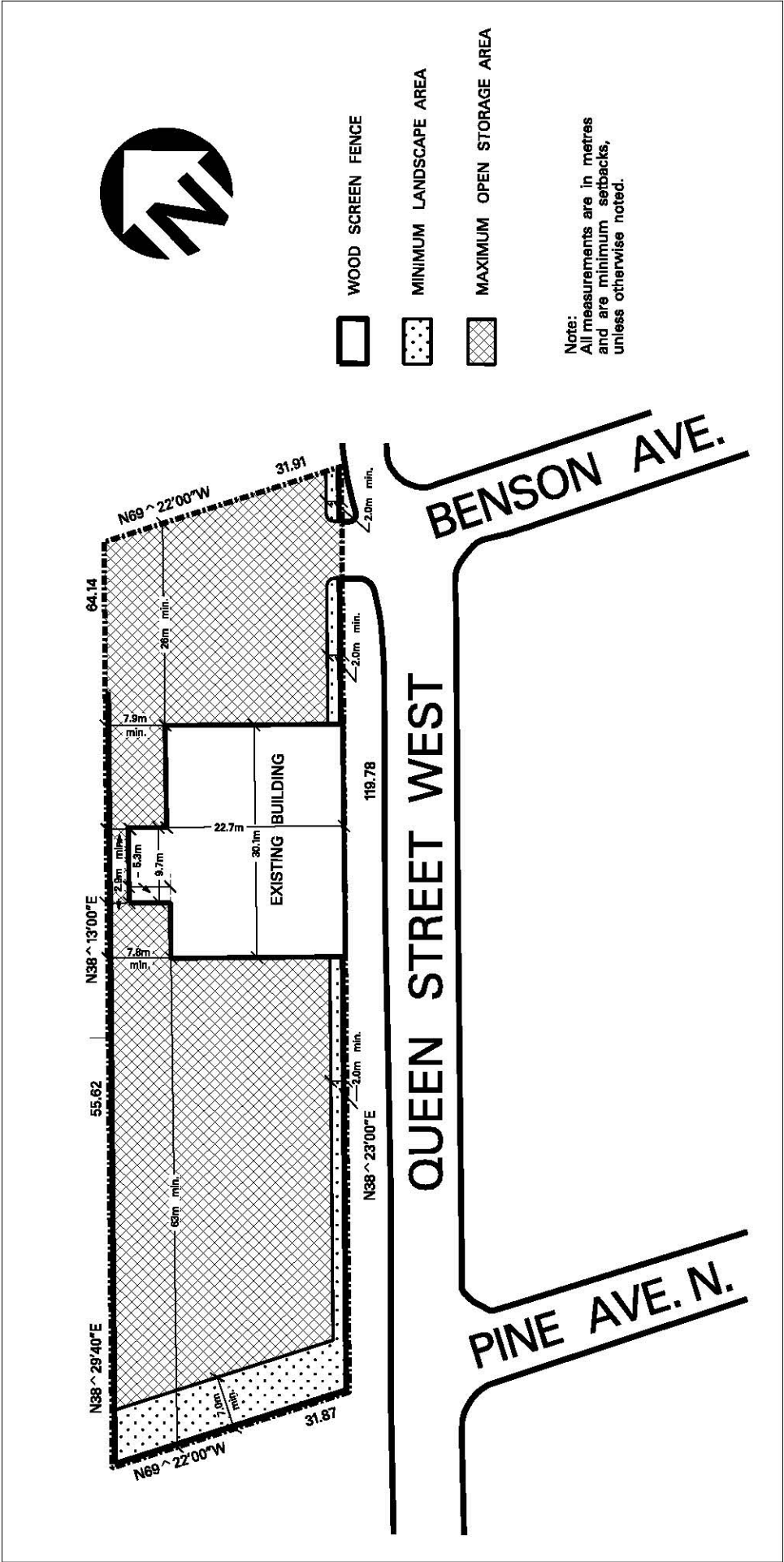


Schedule E2-89
Map 46E

8.2.3.90	Exception: E2-90	Map # 49W	By-law:
In an E2-90 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.90.1	(1)	Outdoor patio accessory to a convenience restaurant	
Regulations			
8.2.3.90.2	Maximum gross floor area - restaurant		230 m ²
8.2.3.90.3	Maximum percentage of gross floor area - restaurant used for an outdoor patio accessory to a convenience restaurant		20%
8.2.3.90.4	Maximum percentage of gross floor area - non-residential used for the retail sale of motor vehicle parts within a warehouse used for the distribution of motor vehicle parts		40%

8.2.3.91	Exception: E2-91	Map # 23, 27	By-law:
In an E2-91 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.91.1	(1)	Garden Centre	
Uses Not Permitted			
8.2.3.91.2	(1)	Adult Entertainment Establishment	
	(2)	Body-Rub Establishment	
	(3)	Night Club	

8.2.3.92	Exception: E2-92	Map # 08	By-law:
In an E2-92 zone the applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Permitted Use			
8.2.3.92.1	Lands zoned E2-92 shall only be used for the following:		
	(1) Building Restoration Operation		
Regulations			
8.2.3.92.2	Maximum gross floor area - non-residential used for a building restoration operation		790 m ²
8.2.3.92.3	Maximum height		6.0 m
8.2.3.92.4	Maximum height of all materials stored on site		1.8 m
8.2.3.92.5	Minimum height of fence		1.8 m
8.2.3.92.6	Required parking spaces		13
8.2.3.92.7	Required loading spaces		1
8.2.3.92.8	"Building Restoration Operation" means lands, buildings and structures used for the storage and maintenance of equipment and materials used in the restoration and reconstruction of industrial and commercial buildings, masonry cleaning and repair and fire damage restoration, but may include warehousing, open storage and accessory offices		
8.2.3.92.9	All site development plans shall comply with Schedule E2-92 of this Exception		



Schedule E2-92
Map 08

8.2.3.93	Exception: E2-93	Map # 59	By-law:
In an E2-93 zone the applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Permitted Uses			
8.2.3.93.1	Lands zoned E2-93 shall only be used for the following:		
	(1)	Active Recreational Use	
	(2)	Cemetery	
Regulation			
8.2.3.93.2	A cemetery shall comply with the OS3 zone regulations contained in Subsection 9.2.1 of this By-law		

8.2.3.94	Exception: E2-94	Map # 45W	By-law:
In an E2-94 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.94.1	(1)	Private School	
Regulation			
8.2.3.94.2	Maximum number of classrooms in a private school		4

8.2.3.95	Exception: E2-95	Map # 52E	By-law:
In an E2-95 zone the applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Permitted Use			
8.2.3.95.1	Lands zoned E2-95 shall only be used for the following:		
	(1)	Office	

8.2.3.96	Exception: E2-96	Map # 36W	By-law: 0379-2009
In an E2-96 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.3.96.1	(1)	E3 uses contained in Subsection 8.2.1 of this By-law, except: (1.1) Power Generating Facility (1.2) Motor Vehicle Body Repair Facility (1.3) Motor Vehicle Body Repair Facility - Commercial Motor Vehicle	
Regulations			
8.2.3.96.2	The provisions contained in Sentence 8.1.5.1.1 of this By-law shall not apply		
8.2.3.96.3	Uses contained in Sentence 8.2.3.96.1 of this Exception and the E2 uses contained in Subsection 8.2.1 of this By-law, shall comply with the E3 zone regulations contained in Subsection 8.2.1 of this By-law		

8.2.3.97	Exception: E2-97	Map # 27	By-law: 0358-2007
In an E2-97 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.97.1	(1)	Vehicle Pound Facility	
Regulations			
8.2.3.97.2	A vehicle pound facility shall comply with the E3 zone regulations contained in Subsections 8.1.7 and 8.2.1		
8.2.3.97.3	A fence having a minimum height of 1.8 m shall be required around the perimeter of the area to be used for outdoor storage for a vehicle pound facility, but in no event shall the fence be situated closer to any street line than any portion of the main building		

8.2.3.98	Exception: E2-98	Map # 46E	By-law: 0364-2007, 0379-2009
In an E2-98 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.98.1	(1)	Outdoor patio accessory to a restaurant, convenience restaurant and take-out restaurant	
Uses Not Permitted			
8.2.3.98.2	(1)	Adult Video Store	
	(2)	Adult Entertainment Establishment	
	(3)	Body-Rub Establishment	
	(4)	deleted	
	(5)	Motor Vehicle Repair Facility - Restricted	
	(6)	Broadcasting/Communication Facility	
	(7)	Radio and Television Transmission Tower	
Regulations			
8.2.3.98.3	The provisions of Lines 1.0 to 3.0 contained in Table 2.1.2.1.1 and Line 5.1 contained in Table 8.2.1 of this By-law shall not apply		
8.2.3.98.4	Minimum depth of a landscaped buffer along the lot line abutting Britannia Road West		15.0 m
8.2.3.98.5	Minimum depth of a landscaped buffer along the lot line abutting Millcreek Drive		4.5 m
8.2.3.98.6	Minimum depth of a landscaped buffer along the lot line abutting any other street		3.0 m
8.2.3.98.7	Minimum setback of any area used for outdoor storage to Britannia Road West, for lands east of Millcreek Drive		100.0 m
8.2.3.98.8	Minimum setback of a loading space to Britannia Road West, for lands east of Millcreek Drive		50.0 m

8.2.3.99	Exception: E2-99	Map # 46E	By-law: 0364-2007, 0379-2009
In an E2-99 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.99.1	(1)	Outdoor patio accessory to a restaurant, convenience restaurant and take-out restaurant	
Uses Not Permitted			
8.2.3.99.2	(1)	Adult Video Store	
	(2)	Adult Entertainment Establishment	
	(3)	Body-Rub Establishment	
	(4)	deleted	
	(5)	Motor Vehicle Repair Facility - Restricted	
	(6)	Broadcasting/Communication Facility	
	(7)	Radio and Television Transmission Tower	
Regulations			
8.2.3.99.3	The provisions of Lines 1.0 to 3.0 contained in Table 2.1.2.1.1 and Line 5.1 contained in Table 8.2.1 of this By-law shall not apply		
8.2.3.99.4	Maximum area used for outdoor storage that shall be located on the same lot		the lesser of 10% of the lot area or 20% of the gross floor area - non-residential of the building, structure or part thereof
8.2.3.99.5	Minimum depth of a landscaped buffer along the lot line abutting Britannia Road West		20.0 m
8.2.3.99.6	Minimum depth of a landscaped buffer along the lot line abutting Millcreek Drive		4.5 m
8.2.3.99.7	Minimum depth of a landscaped buffer along the lot line abutting lands zoned E2-100		15.0 m
8.2.3.99.8	Minimum depth of a landscaped and tree preservation buffer along the lot line abutting Erin Mills Parkway		15.0 m
8.2.3.99.9	Minimum depth of a landscaped buffer along the lot line abutting any other street		3.0 m
8.2.3.99.10	"Landscaped and Tree Preservation Buffer" means an area intended to allow for the retention and remediation of ground and forest cover to attain a self-sustaining forest ecosystem and natural vegetative screen where no buildings or structures of any kind other than for lot line fencing shall be permitted.		

8.2.3.100	Exception: E2-100	Map # 46E	By-law: 0364-2007
In an E2-100 zone the applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Permitted Uses			
8.2.3.100.1	Lands zoned E2-100 shall only be used for the following:		
	<div><div>(1)</div><div>Gas Bar</div></div> <div><div>(2)</div><div>Motor Vehicle Repair Facility - Restricted</div></div> <div><div>(3)</div><div>Motor Vehicle Service Station</div></div> <div><div>(4)</div><div>Motor Vehicle Wash Facility - Restricted</div></div> <div><div>(5)</div><div>Restaurant</div></div> <div><div>(6)</div><div>Convenience Restaurant</div></div> <div><div>(7)</div><div>Take-out Restaurant</div></div>		
Regulations			
8.2.3.100.2	The provisions of Subsection 2.1.14 and Lines 1.0 to 3.0 contained in Table 2.1.2.1.1 of this By-law shall not apply		
8.2.3.100.3	Minimum front yard		4.5 m
8.2.3.100.4	Minimum exterior side yard		4.5 m
8.2.3.100.5	Minimum interior side yard		0.0 m
8.2.3.100.6	Minimum rear yard		0.0 m

8.2.3.101	Exception: E2-101	Map # 18	By-law: 0248-2009
In an E2-101 zone the applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Permitted Uses			
8.2.3.101.1	Lands zoned E2-101 shall only be used for the following:		
	<div><div>(1)</div><div>Office</div></div> <div><div>(2)</div><div>Broadcasting/Communication Facility</div></div> <div><div>(3)</div><div>Manufacturing Facility</div></div> <div><div>(4)</div><div>Science and Technology Facility</div></div> <div><div>(5)</div><div>Warehouse/Distribution Facility</div></div> <div><div>(6)</div><div>Wholesaling Facility</div></div> <div><div>(7)</div><div>Restaurant</div></div> <div><div>(8)</div><div>Convenience Restaurant</div></div> <div><div>(9)</div><div>Take-out Restaurant</div></div> <div><div>(10)</div><div>Commercial School</div></div> <div><div>(11)</div><div>Financial Institution</div></div> <div><div>(12)</div><div>Banquet Hall/Conference Centre/Convention Centre</div></div> <div><div>(13)</div><div>Overnight Accommodation</div></div> <div><div>(14)</div><div>Active Recreational Use</div></div> <div><div>(15)</div><div>Recreational Establishment</div></div> <div><div>(16)</div><div>Private Club</div></div> <div><div>(17)</div><div>Repair Establishment</div></div> <div><div>(18)</div><div>Parking Lot</div></div> <div><div>(19)</div><div>University/College</div></div> <div><div>(20)</div><div>Courier/Messenger Service</div></div> <div><div>(21)</div><div>Education and Training Facility</div></div>		
Regulations			
8.2.3.101.2	The provision contained in Subsection 8.1.4 of this By-law shall not apply		
8.2.3.101.3	For the purposes of this By-law, all lands zoned E2-101 shall be considered one (1) lot		

Exception E2-101 continued on next page

Part 8 - Employment Zones

8.2.3.101	Exception: E2-101	Map # 18	By-law: 0248-2009
Exception E2-101 continued from previous page			
8.2.3.101.4	Maximum total floor space index - non-residential used for office and overnight accommodation		0.7
8.2.3.101.5	Minimum landscaped area		30% of the lot area
8.2.3.101.6	The lot line abutting North Sheridan Way shall be deemed to be the front lot line		
8.2.3.101.7	Maximum height		5 storeys
8.2.3.101.8	Minimum depth of a landscaped buffer measured from a lot line that abuts a Residential Zone		4.5 m

8.2.3.102	Exception: E2-102	Map # 58	By-law: 0109-2008
In an E2-102 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.102.1	(1)	Public School	
Regulations			
8.2.3.102.2	The provisions contained in Subsection 1.1.4 of this By-law shall not apply to a public school		
8.2.3.102.3	The provisions contained in Article 2.1.9.1 of this By-law shall apply to a public school		

8.2.3.103	Exception: E2-103	Map # 43W	By-law: 0191-2009
In an E2-103 zone the applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Permitted Uses			
8.2.3.103.1	Lands zoned E2-103 shall only be used for the following:		
	(1)	E1 uses contained in Subsection 8.2.1 of this By-law	
	(2)	Gas Bar	
	(3)	Motor Vehicle Wash Facility - Restricted	
Regulations			
8.2.3.103.2	Uses contained in Sentence 8.2.3.103.1 of this Exception shall comply with the E1 zone regulations contained in Subsection 8.2.1 of this By-law except that:		
	(1)	maximum percentage of gross floor area - non-residential used for accessory uses	30%
	(2)	minimum height	3 storeys
	(3)	minimum height - reconstructed gas bar	6.0 m

8.2.3.104	Exception: E2-104	Map # 43W	By-law: 0191-2009
In an E2-104 zone the applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Permitted Uses			
8.2.3.104.1	Lands zoned E2-104 shall only be used for the following:		
	<div><div>(1)</div><div>E1 uses contained in Subsection 8.2.1 of this By-law</div></div> <div><div>(2)</div><div>Restaurant</div></div> <div><div>(3)</div><div>Convenience Restaurant</div></div> <div><div>(4)</div><div>Take-out Restaurant</div></div> <div><div>(5)</div><div>Outdoor patio accessory to a restaurant, convenience restaurant or take-out restaurant</div></div>		
Regulations			
8.2.3.104.2	Uses contained in Sentence 8.2.3.104.1 of this Exception shall comply with the E1 zone regulations contained in Subsection 8.2.1 of this By-law except that:		
	<div><div>(1)</div><div>maximum gross floor area - non-residential used for restaurants, convenience restaurants and take-out restaurants</div></div>		1 450 m ²
	<div><div>(2)</div><div>maximum percentage of gross floor area - non-residential used for accessory uses</div></div>		30%
	<div><div>(3)</div><div>minimum height</div></div>		3 storeys

8.2.3.105	Exception: E2-105	Map # 51W	By-law: 0191-2009
In an E2-105 zone the applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Permitted Uses			
8.2.3.105.1	Lands zoned E2-105 shall only be used for the following:		
	(1) E1 uses contained in Subsection 8.2.1 of this By-law		
Regulations			
8.2.3.105.2	Uses contained in Sentence 8.2.3.105.1 of this Exception shall comply with the E1 zone regulations contained in Subsection 8.2.1 of this By-law except that:		
	(1)	maximum percentage of gross floor area - non-residential used for accessory uses	30%
	(2)	minimum height	3 storeys

Appeal to By-law 0191-2009 - as it applies to the lands under appeal identified on Map 44E.			
8.2.3.106	Exception: E2-106	Map # 44E	By-law: 0191-2009
In an E2-106 zone the applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Permitted Uses			
8.2.3.106.1	Lands zoned E2-106 shall only be used for the following:		
	(1) E1 uses contained in Subsection 8.2.1 of this By-law		
Regulations			
8.2.3.106.2	Uses contained in Sentence 8.2.3.106.1 of this Exception shall comply with the E1 zone regulations contained in Subsection 8.2.1 of this By-law except that:		
	(1)	maximum percentage of gross floor area - non-residential used for accessory uses	30%
	(2)	minimum height of all buildings and structures located within 92.0 m of Hurontario Street and 161.0 m of Derry Road West	3 storeys

Appeal to By-law 0191-2009 - as it applies to the lands under appeal identified on Map 44E.			
8.2.3.107	Exception: E2-107	Map # #43W, 44E, 51W, 52E	By-law: 0191-2009
In an E2-107 zone the applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Permitted Uses			
8.2.3.107.1	Lands zoned E2-107 shall only be used for the following:		
	(1) E1 uses contained in Subsection 8.2.1 of this By-law		
Regulation			
8.2.3.107.2	Uses contained in Sentence 8.2.3.107.1 of this Exception shall comply with the E1 zone regulations contained in Subsection 8.2.1 of this By-law		

8.2.3.108	Exception: E2-108	Map # 04, 11	By-law: 0396-2009/ OMB Order 2010 May 17
In an E2-108 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.108.1	(1)	Use legally existing on the date of passing of this By-law	
Uses Not Permitted			
8.2.3.108.2	(1)	Transportation Facility	
	(2)	Truck Terminal	
	(3)	Waste Processing Station	
	(4)	Waste Transfer Station	
	(5)	Composting Facility	
	(6)	Contractor Service Shop	
	(7)	Adult Entertainment Establishment	
	(8)	Body-Rub Establishment	
	(9)	Cardlock Fuel Dispensing Facility	
Regulation			
8.2.3.108.3		Outdoor storage of particulate materials such as but not limited to salt and sand shall be within enclosed containers, a structure with a minimum of three (3) sides and a roof, or otherwise covered	

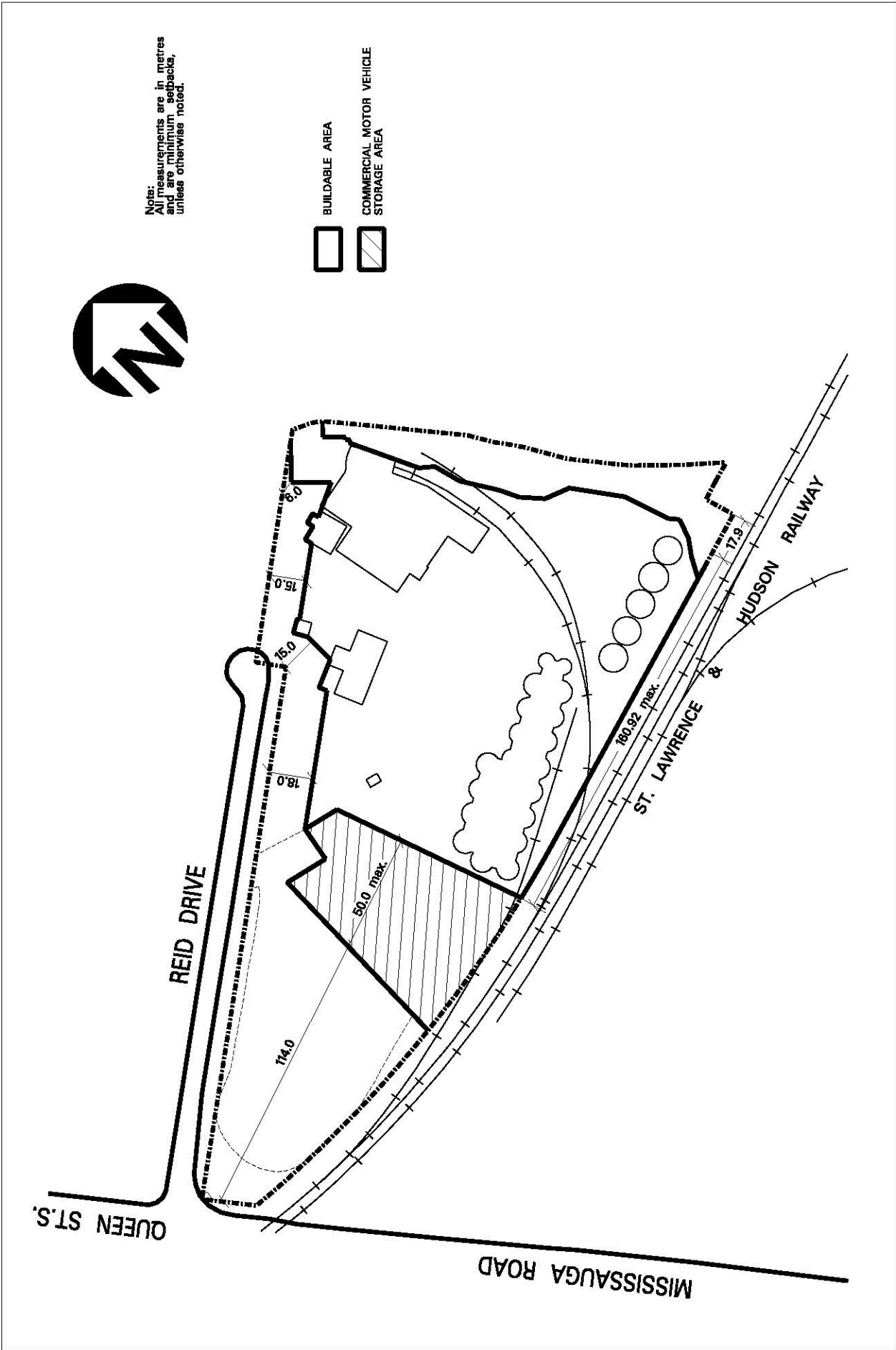
8.2.3.109	Exception: E2-109	Map # 04	By-law: 0396-2009/ OMB Order 2010 May 17
In an E2-109 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.3.109.1	(1)	Use legally existing on the date of passing of this By-law	
	(2)	Gas Processing Operation	
Uses Not Permitted			
8.2.3.109.2	(1)	Transportation Facility	
	(2)	Truck Terminal	
	(3)	Waste Processing Station	
	(4)	Waste Transfer Station	
	(5)	Composting Facility	
	(6)	Contractor Service Shop	
	(7)	Adult Entertainment Establishment	
	(8)	Body-Rub Establishment	
	(9)	Cardlock Fuel Dispensing Facility	
Regulations			
8.2.3.109.3		Outdoor storage of particulate materials such as but not limited to salt and sand shall be within enclosed containers, a structure with a minimum of three (3) sides and a roof, or otherwise covered	
8.2.3.109.4		Minimum number of parking spaces per 100 m ² GFA - non-residential for a gas processing operation	1.6

8.2.3.110	Exception: E2-110	Map # 04	By-law: 0396-2009/ OMB Order 2010 May 17
In an E2-110 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Permitted Use			
8.2.3.110.1	(1)	Use legally existing on the date of passing of this By-law	
Uses Not Permitted			
8.2.3.110.2	(1)	Transportation Facility	
	(2)	Truck Terminal	
	(3)	Waste Processing Station	
	(4)	Waste Transfer Station	
	(5)	Composting Facility	
	(6)	Contractor Service Shop	
	(7)	Adult Entertainment Establishment	
	(8)	Body-Rub Establishment	
	(9)	Cardlock Fuel Dispensing Facility	
Regulation			
8.2.3.110.3		Outdoor storage of particulate materials such as but not limited to salt and sand shall be within enclosed containers, a structure with a minimum of three (3) sides and a roof, or otherwise covered	

8.2.3.111	Exception: E2-111	Map # 55	By-law: 0406-2008, 0379-2009
In an E2-111 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.111.1	(1)	Day care accessory to a place of religious assembly	
Uses Not Permitted			
8.2.3.111.2	(1)	Transportation Facility	
	(2)	Truck Terminal	
	(3)	Waste Processing Station	
	(4)	Waste Transfer Station	
	(5)	Composting Facility	
	(6)	Self Storage Facility	
	(7)	Contractor's Service Shop	
	(8)	deleted	
	(9)	Motor Vehicle Repair Facility - Restricted	
	(10)	Motor Vehicle Rental Facility	
	(11)	deleted	
	(12)	Motor Vehicle Wash Facility - Restricted	
	(13)	Gas Bar	
	(14)	Motor Vehicle Service Station	
	(15)	Motor Vehicle Sales, Leasing and/or Rental Facility - Commercial Motor Vehicles	
	(16)	Adult Video Store	
	(17)	Adult Entertainment Establishment	
	(18)	Body-Rub Establishment	
	(19)	Card Lock Fuel Dispensing Facility	
	(20)	Parking Lot	

8.2.3.112	Exception: E2-112	Map #	By-law:

8.2.3.113	Exception: E2-113	Map # 38W	By-law: OMB Order 2009 October 07 Case No.: PL070625 File No.: R070164
In an E2-113 zone the applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Permitted Uses			
8.2.3.113.1	Lands zoned E2-113 shall only be used for the following: (1) Grain processing and grain milling facility (2) Outdoor storage accessory to grain processing and grain milling facility (3) Required parking for lands zoned G1-13		
Regulations			
8.2.3.113.2	The provisions contained in Subsection 8.1.5, except Sentence 8.1.5.1.1, of this By-law shall apply		
8.2.3.113.3	The provisions contained in Subsection 1.1.4, Article 2.1.17.1 and the regulations of Lines 12.1, 12.2 and 12.5 contained in Table 8.2.1 of this By-law shall not apply		
8.2.3.113.4	Outdoor storage shall only be permitted within the buildable area identified on Schedule E2-113 of this Exception except that the temporary on-site storage of commercial motor vehicles (ie. trucks, tractors and/or trailers) for freight handling including pick-up, delivery and transitory storage of goods directly related to the permitted use shall also be permitted within the Commercial Motor Vehicle Storage Area identified on Schedule E2-113 of this Exception		
8.2.3.113.5	Notwithstanding Sentence 8.2.3.113.7, a security building with a maximum gross floor area - non-residential of 20 m ² shall be permitted outside the buildable area identified on Schedule E2-113 of this Exception		
8.2.3.113.6	Minimum number of parking spaces per 100 m² gross floor area - non-residential		1.6
8.2.3.113.7	All site development plans shall comply with Schedule E2-113 of this Exception		



Schedule E2-113
Map 38W

8.2.3.114	Exception: E2-114	Map #	By-law:

8.2.3.115	Exception: E2-115	Map # 43W	By-law: 0379-2009
In an E2-115 zone the applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Permitted Uses			
8.2.3.115.1 Lands zoned E2-115 shall only be used for the following:			
(1) Gas Bar			
(2) Motor Vehicle Wash Facility - Restricted			

8.2.3.116	Exception: E2-116	Map #	By-law:

8.2.3.117	Exception: E2-117	Map # 55	By-law: 0025-2011
In an E2-117 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Uses Not Permitted			
8.2.3.117.1	(1)	Truck Terminal	
	(2)	Waste Processing Station	
	(3)	Waste Transfer Station	
	(4)	Composting Facility	
	(5)	Contractor Service Shop	
	(6)	Motor Vehicle Repair Facility - Restricted	
	(7)	Motor Vehicle Rental Facility	
	(8)	Motor Vehicle Wash Facility - Restricted	
	(9)	Gas Bar	
	(10)	Motor Vehicle Service Station	
	(11)	Motor Vehicle Sales, Leasing and/or Rental Facility - Commercial Motor Vehicles	
	(12)	Overnight Accommodation	
	(13)	Adult Video Store	
	(14)	Adult Entertainment Establishment	
	(15)	Body-Rub Establishment	
	(16)	Cardlock Fuel Dispensing Facility	
	(17)	Parking Lot	
	(18)	University/College	
Regulations			
8.2.3.117.2	The provisions of Line 2.0 in Table 2.1.17.1 contained in Article 2.1.17.1 of this By-law shall not apply		
8.2.3.117.3	Minimum setback of all buildings and structures to the TransCanada Pipeline right-of-way		7.5 m
Holding Provision			
The holding symbol H is to be removed from the whole or any part of the lands zoned H-E2-117 by further amendment to Map 55 of Schedule B contained in Part 13 of this By-law, upon satisfaction of the following requirement:			
	(1)	delivery of a noise assessment report to the satisfaction of the Transportation and Works Department of the City of Mississauga, confirming that stationary noise from the proposed uses is within the applicable Ministry of the Environment guidelines and will not have an adverse impact on the surrounding residential properties.	

8.2.3.118	Exception: E2-118	Map # 45W	By-law: 0259-2010
In an E2-118 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.3.118.1	(1)	Motor Vehicle Sales, Leasing and/or Rental Facility - Restricted	
Uses Not Permitted			
8.2.3.118.2	(1)	Truck Terminal	
	(2)	Waste Processing Station	
	(3)	Waste Transfer Station	
	(4)	Composting Facility	
	(5)	Body-Rub Establishment	
	(6)	Adult Entertainment Establishment	
	(7)	Night Club	
Regulations			
8.2.3.118.3	The regulations of Line 5.0 in Table 8.2.1 contained in Subsection 8.2.1 of this By-law shall not apply to a motor vehicle sales, leasing and/or rental facility - restricted		
8.2.3.118.4	For the purposes of this By-law, all lands zoned E2-118 shall be considered one (1) lot		
8.2.3.118.5	Minimum depth of a landscaped buffer along the lot line abutting the railway right-of-way		1.0 m
8.2.3.118.6	The lot line abutting Mississauga Road shall be deemed to be the front lot line		
8.2.3.118.7	Maximum front yard		7.5 m
8.2.3.118.8	Motor vehicle display and storage accessory to a motor vehicle sales, leasing and/or rental facility - restricted shall not be permitted between a wall of a building and Mississauga Road		

8.2.4 E3 Exception Zones

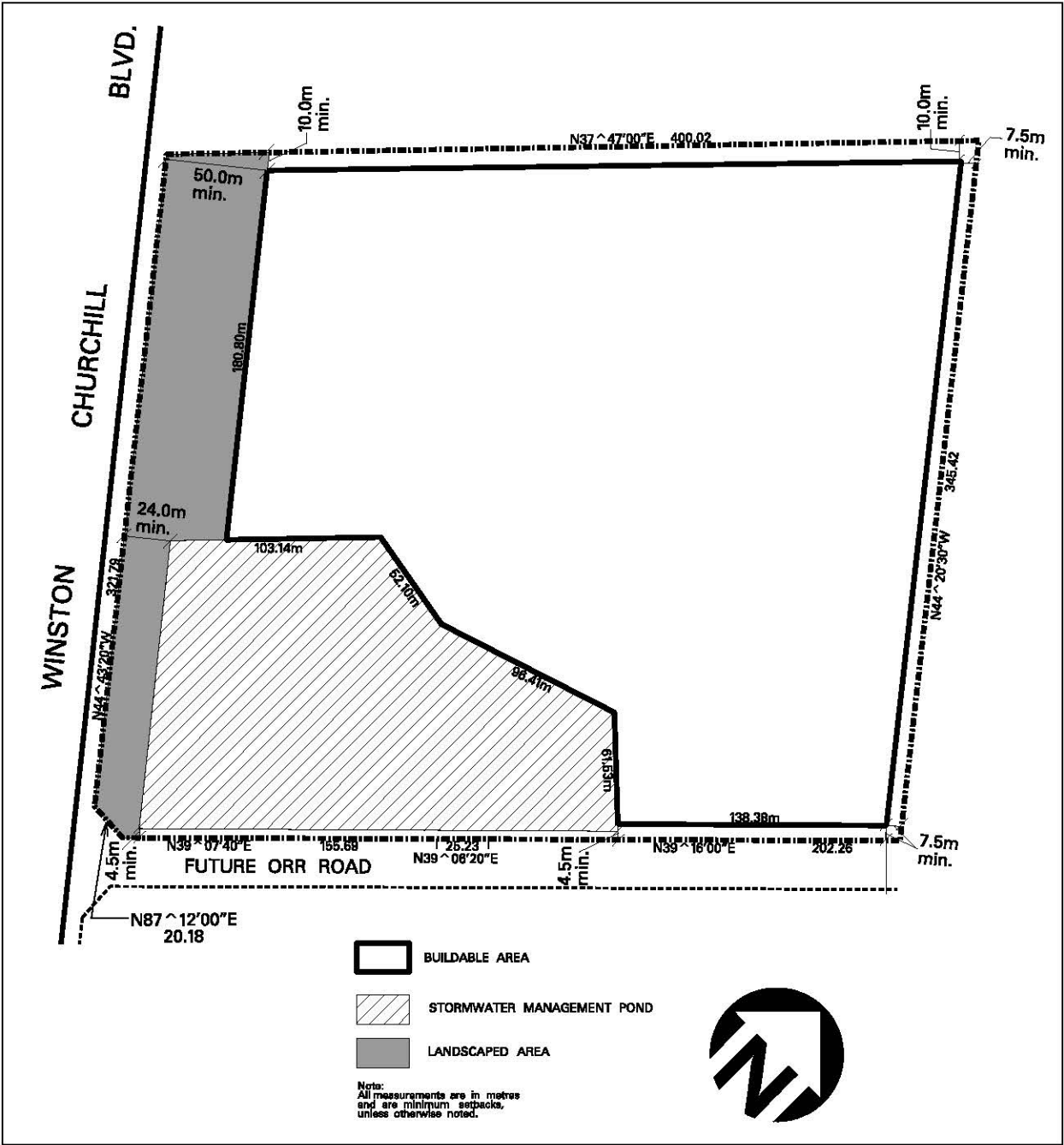
Refer to Article 1.1.2.3 - Exception Zones and Exception Zone Schedules

Appeal to By-law 0396-2009 - as it applies to 2424 Lakeshore Road West and the adjacent lands to the east owned by CertainTeed Gypsum Canada identified on Map 04.			
8.2.4.1	Exception: E3-1	Map # 03, 04	By-law: 0396-2009/ OMB Order 2010 May 17
In an E3-1 zone the permitted uses and applicable regulations shall be as specified for an E3 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.4.1.1	(1)	Use legally existing on the date of passing of this By-law	
Uses Not Permitted			
8.2.4.1.2	(1)	Transportation Facility	
	(2)	Truck Terminal	
	(3)	Waste Processing Station	
	(4)	Waste Transfer Station	
	(5)	Composting Facility	
	(6)	Outdoor Storage	
	(7)	Contractor Service Shop	
	(8)	Contractor's Yard	
	(9)	Vehicle Pound Facility	
	(10)	Motor Vehicle Body Repair Facility	
	(11)	Motor Vehicle Body Repair Facility - Commercial	
		Motor Vehicle	
	(12)	Adult Entertainment Establishment	
	(13)	Body-Rub Establishment	
	(14)	Cardlock Fuel Dispensing Facility	
Regulation			
8.2.4.1.3		Accessory outdoor storage of particulate materials such as but not limited to salt and sand shall be within enclosed containers, a structure with a minimum of three (3) sides and a roof, or otherwise covered	

8.2.4.2	Exception: E3-2	Map # 04	By-law: 0396-2009/ OMB Order 2010 May 17
In an E3-2 zone the permitted uses and applicable regulations shall be as specified for an E3 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.4.2.1	(1) Electric Power Generating Facility (2) Use legally existing on the date of passing of this By-law		
Uses Not Permitted			
8.2.4.2.1A	(1) Transportation Facility (2) Truck Terminal (3) Waste Processing Station (4) Waste Transfer Station (5) Composting Facility (6) Outdoor Storage (7) Contractor Service Shop (8) Contractor's Yard (9) Vehicle Pound Facility (10) Motor Vehicle Body Repair Facility (11) Motor Vehicle Body Repair Facility - Commercial Motor Vehicle (12) Adult Entertainment Establishment (13) Body-Rub Establishment (14) Cardlock Fuel Dispensing Facility		
Regulations			
8.2.4.2.2	Maximum gross floor area - non-residential		13 500 m ²
8.2.4.2.3	Maximum gross floor area - non-residential used for an air-cooled condenser		10 220 m ²
8.2.4.2.4	Maximum area of a switchyard		4 400 m ²
8.2.4.2.5	Maximum height of all buildings and structures excluding accessory stacks and chimneys		40.0 m
8.2.4.2.6	Minimum number of parking spaces		71
8.2.4.2.7	Minimum number of parking spaces for persons with disabilities		2
8.2.4.2.8	"Electric Power Generating Facility" means buildings or structures or parts thereof used for the production of electrical power where the method of production uses only natural gas as a fuel and which includes a powerhouse, switchyard, air-cooled condenser and accessory structures related thereto		
8.2.4.2.9	"Powerhouse" means a building or structure used to enclose combustion turbines, mechanical equipment, electrical equipment, control room, administration area, workshops and labs used in the production of electricity		
8.2.4.2.10	"Switchyard" means an electrical switchyard and substation		
8.2.4.2.11	"Air-cooled Condenser" means a dry closed system that condenses steam turbine exhaust for reuse as feed water to the heat recovery boilers		
8.2.4.2.12	All site development plans shall comply with Schedule E3-2 of this Exception		
8.2.4.2.13	The areas which are identified as a stormwater management pond and landscaped area on Schedule E3-2 shall only be used for the purposes of stormwater management and landscaping including berms and fencing and no buildings or structures of any kind including accessory buildings, other than inlet and outlet headwalls and associated piping related to the stormwater management pond and site drainage, shall be erected and no parking permitted within these areas		

Exception E3-2 continued on next page

8.2.4.2	Exception: E3-2	Map # 04	By-law: 0396-2009/ OMB Order 2010 May 17
Exception E3-2 continued from previous page			
8.2.4.2.14	Accessory outdoor storage of particulate materials such as but not limited to salt and sand shall be within enclosed containers, a structure with a minimum of three (3) sides and a roof, or otherwise covered		



Schedule E3-2
Map 04

8.2.4.3	Exception: E3-3	Map # 40W	By-law:
In an E3-3 zone the permitted uses and applicable regulations shall be as specified for an E3 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.4.3.1	(1)	Personal Service Establishment	
	(2)	Travel Agency	
	(3)	Photo Studio	

8.2.4.4	Exception: E3-4	Map # 42E	By-law:
In an E3-4 zone the permitted uses and applicable regulations shall be as specified for an E3 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.4.4.1	(1)	Salvage Yard	
Regulations			
8.2.4.4.2	A salvage yard operation shall be conducted within an enclosed building or structure or within an area surrounded by a rigid fence		
8.2.4.4.3	Storage of materials outside within enclosed containers will not be permitted		
8.2.4.4.4	Minimum height of fence		1.8 m
8.2.4.4.5	Maximum height of scrap metal and salvage stored on site		6.0 m

8.2.4.5	Exception: E3-5	Map # 50W	By-law:
In an E3-5 zone the permitted uses and applicable regulations shall be as specified for an E3 zone except that the following uses/regulations shall apply:			
Uses Not Permitted			
8.2.4.5.1	(1)	Adult Entertainment Establishment	
	(2)	Body-Rub Establishment	
Regulation			
8.2.4.5.2	Minimum setback of a building or structure to the future extension of Drew Road		7.5 m

8.2.4.6	Exception: E3-6	Map # 04	By-law: 0396-2009/ OMB Order 2010 May 17
In an E3-6 zone the permitted uses and applicable regulations shall be as specified for an E3 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
8.2.4.6.1	(1)	Resource Extraction	
	(2)	Use legally existing on the date of passing of this By-law	
Uses Not Permitted			
8.2.4.6.2	(1)	Transportation Facility	
	(2)	Truck Terminal	
	(3)	Waste Processing Station	
	(4)	Waste Transfer Station	
	(5)	Composting Facility	

8.2.4.7	Exception: E3-7	Map # 46E	By-law:
In an E3-7 zone the permitted uses and applicable regulations shall be as specified for an E3 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.4.7.1	(1)	Rail Yard	

8.2.4.8	Exception: E3-8	Map # 43E	By-law:
In an E3-8 zone the permitted uses and applicable regulations shall be as specified for an E3 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.4.8.1	(1)	Outdoor display and storage of tractor trailers	

8.2.4.9	Exception: E3-9	Map # 46E	By-law:
In an E3-9 zone the permitted uses and applicable regulations shall be as specified for an E3 zone except that the following uses/regulations shall apply:			
Uses Not Permitted			
8.2.4.9.1	(1)	Truck Terminal	
	(2)	Waste Processing Station	
	(3)	Waste Transfer Station	
	(4)	Composting Facility	
	(5)	Body-Rub Establishment	
	(6)	Adult Entertainment Establishment	
	(7)	Night Club	

8.2.4.10	Exception: E3-10	Map # 42W	By-law: 0358-2007
In an E3-10 zone the permitted uses and applicable regulations shall be as specified for an E3 zone except that the following uses/regulations shall apply:			
Regulation			
8.2.4.10.1	A fence having a minimum height of 2.1 m shall be required around the perimeter of the area to be used for outdoor storage for a vehicle pound facility, but in no event shall the fence be situated closer to any street line than any portion of the main building		

8.2.4.11	Exception: E3-11	Map # 04	By-law: 0396-2009/ OMB Order 2010 May 17
In an E3-11 zone the applicable regulations shall be as specified for an E3 zone except that the following uses/regulations shall apply:			
Permitted Use			
8.2.4.11.1	Lands zoned E3-11 shall only be used for the following:		
	(1) Land farming accessory to the existing lubricants centre located at 385 Southdown Road zoned E3-1		
Regulation			
8.2.4.11.2	"Land Farming" means the biodegradation of petroleum refining wastes by naturally occurring soil bacteria by means of controlled application of the wastes to land followed by periodic tilling.		

8.2.4.12	Exception: E3-12	Map # 04	By-law: 0396-2009/ OMB Order 2010 May 17
In an E3-12 zone the permitted uses and applicable regulations shall be as specified for an E3 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.4.12.1	(1)	Use legally existing on the date of passing of this By-law	
Uses Not Permitted			
8.2.4.12.2	(1)	Transportation Facility	
	(2)	Truck Terminal	
	(3)	Waste Processing Station	
	(4)	Waste Transfer Station	
	(5)	Composting Facility	
Regulation			
8.2.4.12.3		Outdoor storage of particulate materials such as but not limited to salt and sand shall be within enclosed containers, a structure with a minimum of three (3) sides and a roof, or otherwise covered	

8.2.4.13	Exception: E3-13	Map # 03	By-law: 0396-2009/ OMB Order 2010 May 17
In an E3-13 zone the permitted uses and applicable regulations shall be as specified for an E3 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.4.13.1	(1)	Cardlock Fuel Dispensing Facility	
Uses Not Permitted			
8.2.4.13.2	(1)	Transportation Facility	
	(2)	Truck Terminal	
	(3)	Waste Processing Station	
	(4)	Waste Transfer Station	
	(5)	Composting Facility	
	(6)	Outdoor Storage	
	(7)	Contractor Service Shop	
	(8)	Contractor's Yard	
	(9)	Vehicle Pound Facility	
	(10)	Motor Vehicle Body Repair Facility	
	(11)	Motor Vehicle Body Repair Facility - Commercial Motor Vehicle	
	(12)	Adult Entertainment Establishment	
	(13)	Body-Rub Establishment	
Regulations			
8.2.4.13.3	The provisions contained in Subsection 8.1.5 of this By-law shall apply to all areas used for outdoor storage accessory to a permitted use		
8.2.4.13.4	Accessory outdoor storage of particulate materials such as but not limited to salt and sand shall be within enclosed containers, a structure with a minimum of three (3) sides and a roof, or otherwise covered		

8.2.4.14	Exception: E3-14	Map # 04	By-law: 0396-2009/OMB Order 2010 November 30
In an E3-14 zone the permitted uses and applicable regulations shall be as specified for an E3 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
8.2.4.14.1	(1)	Use legally existing on the date of passing of this By-law	
Uses Not Permitted			
8.2.4.14.2	(1)	Transportation Facility	
	(2)	Truck Terminal	
	(3)	Waste Processing Station	
	(4)	Waste Transfer Station	
	(5)	Composting Facility	
	(6)	Outdoor Storage	
	(7)	Contractor Service Shop	
	(8)	Contractor's Yard	
	(9)	Vehicle Pound Facility	
	(10)	Motor Vehicle Body Repair Facility	
	(11)	Motor Vehicle Body Repair Facility - Commercial Motor Vehicle	
	(12)	Adult Entertainment Establishment	
	(13)	Body-Rub Establishment	
	(14)	Cardlock Fuel Dispensing Facility	
Regulations			
8.2.4.14.3	Accessory outdoor storage of particulate materials such as but not limited to salt and sand shall be within enclosed containers, a structure with a minimum of three (3) sides and a roof, or otherwise covered		
8.2.4.14.4	Minimum setback of all buildings and structures to all lands zoned G1-16		5.0 m



THE CORPORATION OF THE CITY OF MISSISSAUGA BUILDING BY-LAW 29-11

WHEREAS Section 7 of the *Building Code Act, 1992*, S.O. 1992, Chapter 23, as amended authorizes Council to pass by-laws respecting construction, demolition and change of use permits and related matters;

AND WHEREAS the Council of the City of Mississauga desires to repeal By-law 0255-2005, as amended and enact a new Building By-law for the issuance of permits and related matters, including a fee schedule for all applicable building permit fees:

NOW THEREFORE the Council of The Corporation of the City of Mississauga ENACTS as follows:

PART I - DEFINITIONS

1. For the purposes of this By-law, the following definitions and interpretations shall govern:
 - (1) **“Act”** means the *Building Code Act, 1992*, S.O. 1992, Chapter 23 as amended;
 - (2) **“applicant”** means the owner of a building or property who applies for a permit or the person authorized by the owner to apply for a permit on the owner’s behalf;
 - (3) **“architect”** means a holder of a license, a certificate of practice, or a temporary license under the Architect’s Act;
 - (4) **“as constructed plans”** means as constructed plans as defined in the Building Code;
 - (5) **“building”** means a building as defined in Section 1.(1) of the Act;
 - (6) **“Building Code”** means the regulations made under Section 34 of the Act;
 - (7) **“Chief Building Official”** means the Chief Building Official appointed by Council under Section 3.(2) of the Act for purposes of enforcement of the Act;
 - (8) **“construct”** means to construct a building as defined in Section 1.(1) of the Act;
 - (9) **“City”** means The Corporation of the City of Mississauga;
 - (10) **“demolish”** means to do anything in the removal of a building or any material part thereof as defined in Section 1.(1) of the Act;
 - (11) **“forms”** means the applicable Provincial or municipal prescribed forms as set out in Schedule “C” to this By-law;
 - (12) **“inspector”** means an inspector appointed under Section 3.(2) of the Act;
 - (13) **“owner”** includes, in respect of the property on which the construction or demolition will take place, the registered owner, a lessee and a mortgagee in possession;
 - (14) **“permit”** means written permission or written authorization from the Chief Building Official to perform work regulated by this By-law and the Act, or to change the use of a building or part of a building or parts thereof as regulated by the Act;
 - (15) **“plumbing”** means plumbing as defined in Section 1.(1) of the Act;

- (16) “**professional engineer**” means a person who holds a license or a temporary license under the *Professional Engineer’s Act*;
 - (17) “**registered code agency**” means a person or entity that has the qualifications and meets the requirements described in subsection 15.11(4) of the Act;
 - (18) “**regulations**” means regulations made under the Act;
 - (19) “**sewage system**” means a sewage system as defined in Section 1.(1) of the Act;
 - (20) “**work**” means construction or demolition of a building or part thereof, as the case may be.
2. Terms not defined in this By-law shall have the meaning ascribed to them in the Act or the Building Code.

PART II - CLASS OF PERMIT

3. Classes of permits with respect to the construction, demolition and change of use of buildings and permit fees shall be as set out in Schedules “A” and “B” to this By-law.

PART III - PERMIT APPLICATION

4. To obtain a permit, the owner or an agent authorized in writing by the owner shall file with the Chief Building Official an application in the prescribed form as set out in Schedule “C” to this By-law.

General Requirements

5. All applications for a permit, in addition to meeting all other application requirements set out in this By-law, shall:
- (1) identify and describe in detail the work, use and occupancy to be covered by the permit for which the application is made;
 - (2) identify and describe in detail the existing uses and the proposed use(s) for which the premises are intended;
 - (3) include the legal description, the municipal address and where appropriate the unit number of the land on which the work is to be done;
 - (4) be accompanied by plans and specifications as described in Schedule “D” to this By-law;
 - (5) be accompanied by the required fees as calculated in accordance with Schedules “A” and “B” to this By-law;
 - (6) state the name, address and telephone number of the owner, and where the owner is not the applicant, the authorized agent, and where applicable, the qualified architect, engineer or other designer and the constructor or person hired to carry out the construction or demolition, as the case may be;
 - (7) when Division C, Part 1, Subsection 1.2.2. of the Building Code applies, be accompanied by a signed acknowledgement of the owner on the prescribed form that an architect or professional engineer, or both, have been retained to carry out the general review of the construction or demolition of the building;
 - (8) when Division C, Part 1, Subsection 1.2.2. of the Building Code applies, be accompanied by a signed statement of the architect or professional engineer, or both, on the form prescribed, undertaking to provide general review of the construction or demolition of the building;
 - (9) include, where applicable, the applicant’s registration number where an applicant is a builder or vendor as defined in the *Ontario New Home Warranties Plan Act*; and

- (10) be signed by the owner or authorized agent who shall certify as to the truth of the contents of the application.
6. In addition to the general requirements set out above, an application for a construction permit shall:
 - (1) use the provincial application form, “Application for a Permit to Construct or Demolish”; and
 - (2) include complete plans and specifications, documents and other information as required by Division C, Part 1, Sentence 1.3.1.3.(5) of the Building Code and as described in this By-law for the work covered by the permit.
7. In addition to the general requirements set out above, an application for a construction permit for part of a building shall:
 - (1) use the provincial application form, “Application for a Permit to Construct or Demolish”;
 - (2) include plans and specifications covering the work for which more expeditious approval is desired, together with such information pertaining to the remainder of the work as may be required by the Chief Building Official;
 - (3) be accompanied by the required fee for the entire project and required administrative fee for the partial permit as calculated in accordance with Schedule “A” to this By-law; and
 - (4) be deemed to be an incomplete application where a partial permit is requested.
8. In addition to the general requirements set out above, an application for a demolition permit shall:
 - (1) use the provincial application form, “Application for a Permit to Construct or Demolish”;
 - (2) when Division C, Part 1, Subsection 1.2.2. of the Building Code applies, be accompanied by a completed “General Review Demolition Commitment Certificate” form prescribed by the Chief Building Official in Schedule “C” to this By-law;
 - (3) include complete plans and specifications, documents and other information as required by Division C, Part 1, Sentence 1.3.1.3.(5) of the Building Code and as described in this By-law for the work to be covered by the permit; and
 - (4) indicate the method of demolition.
9. In addition to the general requirements set out above, an application for a conditional permit pursuant to subsection 8.(3) of the Act, shall:
 - (1) use the provincial application form, “Application for a Permit to Construct or Demolish”;
 - (2) include complete plans and specifications, documents and other information as required by Division C, Part 1, Sentence 1.3.1.3.(5) of the Building Code and as described in this By-law for the work to be covered by the permit;
 - (3) state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted;
 - (4) state the necessary approval which must be obtained in respect of the proposed building and the time in which such approvals will be obtained;
 - (5) state the time in which plans and specifications of the complete building will be filed with the Chief Building Official; and
 - (6) require the owner and such other persons as the Chief Building Official determines to enter into an agreement with the City.

10. In addition to the general requirements set out above, an application for a change of use permit shall:
 - (1) use the provincial application form, “Application for a Permit to Construct or Demolish”;
 - (2) describe the building in which the use is to be changed, by a description that will readily identify and locate the building;
 - (3) identify and describe in detail the current and proposed uses of the building or part of a building for which the application is made; and
 - (4) include plans and specifications showing the current and proposed use of all parts of the building, and which contain sufficient information to establish compliance with the requirements of the Building Code.
11. An application for occupancy of an unfinished building permit pursuant to Division C, Part 1, Subsection 1.3.3. of the Building Code shall:
 - (1) use the application form in Schedule “C to this By-law, “Application for Permit to Occupy a Building Prior to Completion”;
 - (2) indicate the total floor area proposed for occupancy;
 - (3) indicate the total number and location of units proposed for occupancy; and
 - (4) be signed by the owner or authorized agent who shall certify to the truth of the contents of the application.
12. In addition to the general requirements set out above, an application for a “sewage system” permit shall:
 - (1) use the provincial application form “Application for a Permit to Construct or Demolish”;
 - (2) include complete plans and specifications, documents and other information as required under Division C, Part 1, Sentence 1.3.1.3.(5) of the Building Code and as described in this By-law for the work to be covered by the permit;
 - (3) include a site evaluation which shall include all of the following items, unless otherwise specified by the Chief Building Official:
 - (a) include the date the evaluation was done;
 - (b) include name, address, telephone number and signature of the person who prepared the evaluation;
 - (c) a scaled map of the site showing:
 - A. the legal description, lot size, property dimensions, existing right-of-ways, easements or municipal/utility corridors;
 - B. the location of items listed in Division B, Part 8, Column 1 of Tables 8.2.1.6.A: 8.2.1.6.B; and 8.2.1.6.C. of the Building Code;
 - C. the location of the proposed sewage system;
 - D. the location of any unsuitable disturbed or compacted areas;
 - E. proposed access routes for system maintenance;
 - F. depth to bedrock;
 - G. depth to zones of soil saturation;
 - H. soil properties, including soil permeability; and
 - I. soil conditions, including potential for flooding.

13. After the issuance of a permit under the Act notice of any material change to a plan, specification, document or other information on the basis of which the permit was issued, shall be given in writing, to the Chief Building Official together with the details of such change, which is not to be made without the prior written authorization of the Chief Building Official.
14. Where a material change set out in Section 13 of this By-law is substantial, then the Chief Building Official may require the applicant to submit an application for a revision to the permit in which case a revision permit must be issued by the Chief Building Official before any work described in the material change can be commenced.
15. The Chief Building Official may, where the relevant provisions of this By-law are met, issue a permit for part of a building subject to compliance with the Act, the Building Code and any other applicable law.
16. The Chief Building Official may, where the relevant provisions of this By-law and Subsections 8.(3) to 8.(5) of the Act, are met, issue a conditional permit for a building subject to compliance with the Act, the Building Code and any other applicable law.
17. The Chief Building Official is authorized to enter into agreements with respect to conditional permits.
18. The issuance of a permit for a part of a building or a conditional permit shall not be construed to authorize construction beyond that for which approval was given nor obligate the Chief Building Official to grant any further permit or permits for the building.
19. Where an application for a permit remains incomplete or inactive for six months after it is made, the application may be deemed by the Chief Building Official to have been abandoned and notice thereof shall be given to the applicant.
20. Where an application has been deemed to be abandoned, a new application must be filed for the proposed work.

PART IV - PLANS AND SPECIFICATIONS

21. Every applicant shall submit sufficient information, including plans, specifications, documents and other information, with each application for a permit to enable the Chief Building Official to determine whether or not the proposed construction, demolition or change of use will conform with the Act, the Building Code and any other applicable law.
22. Each application shall, unless otherwise determined by the Chief Building Official, be accompanied by two complete sets of plans and specifications required under this By-law.
23. Plans shall be drawn to scale on paper or other durable material, shall be legible and, without limiting the generality of the foregoing, shall include such working drawings as set out in Schedule "D" to this By-law.
24. Site Plans submitted shall be referenced to a current plan of survey certified by a registered Ontario Land Surveyor and a copy of such survey shall be filed with the City unless this requirement is waived by the Chief Building Official because he or she is able, without having a current plan of survey, to determine whether the proposed work is in compliance with the Act, the Building Code, and any other applicable law. The site plan shall show:
 - (1) lot size and the dimensions of property lines and setbacks to any existing or proposed buildings;
 - (2) existing and finished ground levels or grades; and
 - (3) existing right-of-way, easements and municipal services.

25. The Chief Building Official may refuse to accept an application for a permit if any of the requirements for the application set out in this By-law, Act or Building Code are deemed to be incomplete or insufficient at the time of application.
26. On completion of the construction, the Chief Building Official may require that a set of plans of the building or any class of buildings as constructed including a plan of survey showing the location be filed with the Chief Building Official.

PART V - ALTERNATIVE SOLUTIONS

27. Where an application for a permit or for authorization to make a material change to the plan, specification, document or other information on the basis of which a permit was issued, contains an alternative solution for which approval in accordance with Division C, Part 2, Section 2.1. is required, the application shall include documentation in accordance with Division C, Part 2, Article 2.1.1.1.
28. Such information shall be accompanied with the prescribed forms “Alternative Solution Authorization Form” and “Alternative Solution Application” as prescribed by the Chief Building Official in Schedule “C” to this By-law.

PART VI - PRESCRIBED NOTICES AND INSPECTIONS

29. The person to whom a permit has been issued under Subsection 8.(1) of the Act shall give to the Chief Building Official notice of the readiness for inspection in accordance with prescribed notices described in Division C, Part 1, Article 1.3.5.1., and Division C, Part 1, Article 1.3.5.3. of the Building Code. These mandatory notification stages and inspections are listed in Schedule “E” to this By-law.

PART VII - REGISTERED CODE AGENCIES

30. Where the City has entered into agreements with registered code agencies the Chief Building Official is authorized to enter into services agreements with registered code agencies and appoint them to perform specified functions from time to time pursuant to Section. 4.1 of the Act.

PART VIII - FEES

31. The Chief Building Official shall determine the required fees for the work proposed and the applicant shall pay the fees calculated in accordance with Schedule “A” and “B” to this By-law. No permit shall be issued until the fees therefore have been paid in full.
32. Any person who commences construction, demolition or changes the use of a building before submitting an application for a permit or before 14 calendar days have elapsed from the date on which an application for a permit has been accepted by the Chief Building Official unless the permit has already been issued, shall in addition to any other penalty under the Act, Building Code or this By-law pay an additional fee in accordance with Schedule “A” to this By-law, in order to compensate the City for the additional work incurred as a result of the commencement of the construction.
33. Where Fees payable in respect of an application for a construction or demolition permit issued under Subsection 8.(1) of the Act or a conditional permit issued under Subsection 8.(3) of the Act are based on a floor area, the floor area shall mean the total floor space of all stories above and below grade, measured as the horizontal area between the outer face of exterior walls and to the centre of party walls or demising walls.
34. Fees payable in respect of a conditional permit issued under Subsection 8.(3) of the Act shall be paid for the complete project plus the applicable additional fee in accordance with Schedule “A” to this By-law.
35. Where Fees payable in respect of an application for a change of use permit issued under Subsection 10.(1) of the Act are based on a floor area, the floor area shall mean the total floor space of all stories subject to the change of use.

PART IX - CHANGING PERMIT FEES

36. Prior to passing a By-law to change the fees the City shall:
- (1) hold at least one public meeting at which any person who attends has an opportunity to make representations with respect to the matter;
 - (2) ensure that a minimum of 21 days notice of the public meeting is given to every person and organization that has, within five years before the day of the meeting, requested such notice; and
 - (3) ensure that the notice include an estimate of the costs for administering and enforcing the Act, the amount of the fee and change to the existing fee and the rationale for imposing or changing the fee.
37. Any person or organization wishing to receive notice as set out above should make such request in writing to the Clerk's office.

PART X - REFUNDS

38. In the case of withdrawal of an application or, abandonment of all or a portion of the work or, the non-commencement of the work or, the refusal or revocation of a permit, upon written request by the applicant the Chief Building Official shall determine the amount of paid permit fees that may be refunded to the applicant, if any, in accordance with Schedule "A" to this By-law.

PART XI - PRE-APPLICATION ZONING AND APPLICABLE LAW REVIEW

39. An application for a complete review of zoning and applicable law may be submitted which shall:
1. Use the provincial application form "Application for a Permit to Construct or Demolish;
 2. Identify and describe in detail the work, use and occupancy (where applicable the existing use and occupancy), for which the application is made;
 3. Be accompanied by sufficient plans and specifications including a site plan and necessary architectural/engineering drawings to enable the Chief Building Official to determine compliance with zoning and applicable law requirements;
 4. Be accompanied by documents and information that will establish compliance with applicable law as set out in Division A, Part 1, Article 1.4.1.3. of the Building Code; and
 5. A review fee equal to 25% of the calculated building permit fee in accordance with Schedules "A" and "B" to this By-law.
40. A full review of the application and attached documentation will be conducted and the Chief Building Official will advise the applicant if:
1. The application complies with all requirements of the zoning by-law(s) and applicable law referred to in Division A, Part 1, Article 1.4.1.3. of the Building Code; or
 2. Identify in detail areas of non-compliance and/or additional information required to determine compliance.
41. Upon compliance with the zoning by-law(s) and all applicable law and, submission of a complete application for a building permit, the full 25% fee paid for this pre-application review shall be credited towards the applicable building permit fee.

PART X11 – FENCING

42. Where, in the opinion of the Chief Building Official, a construction or demolition site presents a particular hazard to the public, the Chief Building Official may, under Clauses 7.(1)(i) and 7.(1)(j) of the Act, require the erection of such fencing as the Chief Building Official deems necessary to abate that hazard.

43. The height of every fence shall be a minimum of 4 feet (1.2 meters) and a maximum of 6 feet (1.8 meters), to be measured from the highest adjacent grade and, shall be of a description as determined by the Chief Building Official.

PART XIII - TRANSFER OF PERMITS

44. Every person who acquires land on which construction or demolition is occurring in respect of which a permit has been issued, shall apply to transfer the permit.
45. Every application for a transfer of permit shall be submitted to the Chief Building Official and shall:
- (1) use the provincial application form, “Application for a Permit to Construct or Demolish”;
 - (2) include such information as may be determined by the Chief Building Official; and
 - (3) be accompanied by the required fee as required in Schedule “A” to this By-law.

PART XIV – PENALTY

46. Any person who contravenes any provision of this By-law is guilty of an offence and liable;
- (1) on a first conviction to a fine of not more than \$50,000.00 and
 - (2) on any subsequent conviction, to a fine of not more than \$100,000.00.
47. When the person convicted is a corporation, the maximum fines are \$100,000.00 on a first offence and \$200,000.00 for any subsequent offence.

PART XV – MISCELLANEOUS

48. All Schedules to this By-law form part of this By-law.
49. A reference to the singular or the masculine shall be deemed to refer to the plural or feminine as the context may require.
50. Should any section, subsection, clause or provision in this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the part so declared to be invalid.

PART XVI – SCHEDULES

51. The following Schedules are attached to and form part of this By-law:

Schedule “A”	Permit Fees and Refunds
Schedule “B”	Building Classification and Permit Fees
Schedule “C”	Forms
Schedule “D”	Plans and Specifications
Schedule “E”	Prescribed Notices/Inspections

PART XVII - REPEAL

52. By-law 0255-2005, as amended, is repealed effective at the end of the day on which this By-law is enacted and passed.

PART XVIII - SHORT TITLE

53. This By-law shall be known and may be cited as the “Building By-law”.

PART XVIX - EFFECTIVE DATE

54. This By-law comes into force at the beginning of the day after the day this By-law is enacted and passed.

ENACTED AND PASSED this 23rd day of February, 2011.

Signed by: Hazel McCallion, Mayor and Crystal Greer, City Clerk

SCHEDULE "A"

Permit Fees and Refunds

1. FEES

The minimum fee for a permit shall be \$120.00 for residential and \$200.00 for non-residential, unless stated otherwise.

1.1 CLASS OF PERMIT

PERMIT FEE

1.1.1 Construct a building as defined by Section 1 of the Building Code Act, including a building intended for farming purposes, may be divided into the following classes of permits:

See Schedule "B" for Building classifications and permit fees.

1.1.1.1. Complete Building

For new building construction including additions and alterations to existing buildings (this permit includes associated drains, plumbing and mechanical works, but does not include mechanical site services that serve more than one building.)

1.1.1.2 Foundation Component

1.1.1.3 Foundation to Roof Component (Superstructure)

1.1.1.4 Plumbing Component

1.1.1.5 Drain Component (this permit may include drains within a building and/or mechanical site services that serve one building only.)

1.1.1.6 Mechanical Component

For heating, ventilation, air conditioning and air contaminant extraction systems

1.1.1.7 Designated Structures

Includes all structures designated under Division A, Part 1, Article 1.3.1.1. of the **Building Code**

1.1.2 For permits required in Article 1.1.1.1 when divided into partial permits.

\$300.00 additional fee for each partial permit, unless stated otherwise.

1.1.3 Site services (for mechanical site services that serve more than one building.)

\$300.00 for each building or block of units serviced.

1.1.4 Sewage System

\$500.00 for a new or replacement sewage system.
\$250.00 for repairs to an existing sewage system.

1.1.5 Demolish a building or interior demolition

\$15.00 per 100 square metres or portion thereof of gross floor area demolished, minimum \$200.00.

1.1.6 Authorize occupancy of a building prior to its completion.

\$150.00 per dwelling unit or \$15.00 per 100 square metres or part thereof of a Commercial or Industrial Building.

SCHEDULE "A"

Permit Fees and Refunds

- | | | |
|---------------|---|--|
| 1.1.7 | Material change (revision) to a plan, specification, or other information accompanying a permit application, or on the basis of which a permit was issued by the Chief Building Official . | \$100.00 per hour or portion thereof of permit application review and site inspection required in relation thereto, if the hours are worked on regular time or \$150.00 per hour if worked on overtime. |
| 1.1.8 | Permit for change of use | \$100.00 per hour or portion thereof of permit application review and inspection time, minimum \$200.00. |
| 1.1.9 | Conditional permit | Regular fee for complete building plus an additional 20% of the fee, minimum \$500.00 to a maximum of \$5,000.00. |
| 1.1.10 | Transfer permit (to new owner) | \$150.00. |
| 1.1.11 | Duplicate copy of permit | \$100.00 |
| 1.1.12 | Alternative Solution Review | \$500.00 |
| 1.1.13 | Pre-Application Zoning and Applicable Law Review | 25% of the calculated building permit fee in accordance with Schedule "B" for Building Classification and Permit Fees. The full 25% of the calculated building permit fee will be credited to the applicant upon submission of a completed building permit application. |
| 1.2 | In order to compensate the City of Mississauga for additional work and expense in plan examination, if new, additional or revised information is submitted for a permit application which applies to some or all of the permit which has already been reviewed, the greater of \$125.00 or the additional review time spent, measured to the nearest whole hour, multiplied by the hourly rate of \$100.00, if the hours are worked on regular time or \$150.00 per hour if worked on overtime. | |
| 1.3 | Only applicants for building permits with a value of over \$5,000 may elect to either: | |
| | 1.3.1 Pay the full permit fee at the time of application; or | |
| | 1.3.2 Pay 50% of the full permit fee at the time of application per building permit application to a maximum amount of \$10,000 and the balance at the time of permit issuance. | |
| 1.4 | With respect to work commenced prior to permit issuance or permit application as described in 1.1.1, 1.1.2, 1.1.3, 1.1.4, 1.1.5 and 1.1.7 above, to compensate the municipality for the additional expenditure required because of such unlawful commencement, the permit fee prescribed shall be increased by the greater of \$75.00 or with respect to work commenced before permit application 20% and, with respect to work commenced after permit application, but before permit issuance, 10% of the required permit fee based on the entire work to be performed and exclusive of any part into which the application for permit may be sub-divided, to a maximum of \$5,000.00. | |

SCHEDULE "A"

Permit Fees and Refunds

2. REFUNDS OF PERMIT FEES

- 2.1 Pursuant to Part 10 of this By-law, the portion of the total calculated permit fee that may be refunded shall be a percentage of the total fees payable under this By-law, calculated as follows in regard to functions undertaken by the municipality:
- 2.1.1 85% if administrative functions only have been performed;
 - 2.1.2 75% if administrative and zoning or **building code** permit application review functions only have been performed;
 - 2.1.3 55% if administrative, zoning and **building code** permit application review functions have been performed;
 - 2.1.4 45% if the permit has been issued and no field inspections have been performed subsequent to permit issuance, and
 - 2.1.5 5% shall additionally be deducted for each field inspection that has been performed subsequent to permit issuance.
 - 2.1.6 0% after a period of not less than three (3) years from the date of application being received, if the application has not been cancelled, or the permit has not been issued, or an issued permit has not been acted upon.
- 2.2 If the calculated refund is less than \$150.00, no refund shall be made for the fees paid.
- 2.3 The refund shall be returned to the owner named on the application for a building permit or person named on the fee receipt, unless such person advises the **Chief Building Official**, in writing and prior to the release of the refund, of a change in name, in which case the refund shall be returned to the person then authorized to receive it.
- 2.4 The refund, if applicable, shall be the difference between total calculated fee for functions undertaken and the deposit made at time of permit application.
- 2.5 If an overpayment of a permit fee occurs on a permit application and the overpayment is less than \$100.00 the difference will not be refunded.
- 2.6 No refund shall be applicable for the Pre-Application Zoning and Applicable Law Review.

SCHEDULE "B"

Building Classifications and Permit Fees

(1) CALCULATION OF PERMIT FEES

Permit fees shall be calculated based on the formula given below, unless otherwise specified in this schedule.

Permit Fee = Service Index (SI) X Total floor area (A),
where floor area (A) is measured to the outer face of exterior walls
and to the centre of party walls or demising walls, except when
calculating partition work.

(2) PERMIT FEES

Building Classification	Service Index (SI) \$/m²
--------------------------------	--

(A) **CONSTRUCTION:**

New buildings and additions:

Group A: Assembly Occupancies

Schools, libraries, churches, theatres, arenas, gymnasiums, pools, restaurants, recreation centre	14.55
Transit stations, subways, bus terminals	13.05
Banquet hall in a restaurant	14.55
Restaurant (shell)	11.00

Group B: Institutional Occupancies

Hospital, nursing homes, care homes, etc.	17.25
---	-------

Group C: Residential Occupancies

Detached, semis, townhouses, duplexes ($\leq 400\text{m}^2$)	11.05
Detached, semis, townhouses, duplexes ($> 400\text{m}^2$)	13.40
All other multiple unit residential buildings	9.80
Hotels, motels	14.35
Residential addition	9.35
Unheated addition	8.20
Detached garage/shed building to single dwelling	4.10
Issued Repeats to detached, semis, townhouses, duplexes ($\leq 400\text{m}^2$)	9.60
Issued Repeats to detached, semis, townhouses, duplexes ($> 400\text{m}^2$)	12.00

Group D: Business and Personal Services Occupancies

Office buildings (shell) up to 10 storeys	9.70
Office buildings (finished) up to 10 storeys	12.25
Offices buildings (shell) 10 storeys and over	10.75
Office buildings (finished) 10 storeys and over	13.05
Funeral homes, banks, medical clinic, fire halls, etc.	13.05

Group E: Mercantile Occupancies

Retail stores (shell/ strip plazas)	8.75
Retail stores (finished) supermarkets, department stores	10.75

SCHEDULE "B"

Building Classifications and Permit Fees

	Service Index (SI) \$/m ²
(A) CONSTRUCTION: (cont)	
Group F: Industrial Occupancies	
Warehouses, factories (shell)(≤2000m ²)	6.80
Warehouses, factories:	
(Single tenancy) (finished) (≤2000m ²)	7.80
Warehouses, factories (shell) (2001 to 5000m ²)	6.00
Warehouses, factories:	
(Single tenancy) (finished) (2001 to 5000m ²)	7.65
Warehouses, factories (shell) (>5000m ²)	5.40
Warehouses, factories :	
(Single tenancy) (finished) (>5000m ²)	7.50
Gas stations, car washes	8.85
Canopies over gas pumps, outside storage, etc.	3.75
Parking garages (underground)	4.95
Parking garages (open-air storeys)	4.35
Mezzanines and racking system	4.70
Miscellaneous:	
Permanent tents, air supported structures	3.50
Pedestrian bridges, crane runways, etc.	2.30
Farm buildings	3.50
Finishing basements (Detached, semis, townhouses, duplexes)	3.50
Unfinished basement (except detached, semis, townhouses, duplexes)	3.50
Repair or reclad wall (per surface area)	0.25
Ceiling (new or replacement)	0.35
Parking garage repairs	1.50
Sprinkler	0.35
Trailers or buildings on construction sites for office or sales purpose	8.15
New roof or replacement	3.50
(B) ALTERATIONS:	
Interior alterations and partitioning to new construction and change of occupancy classification:	
Group A: Assembly occupancies (restaurants, churches, etc.)	4.10
Group B: Institutional occupancies	3.00
Group C: Residential occupancies	3.00
Group D: Business and personal services occupancies	3.00
Group E: Mercantile occupancies	3.00
Group F: Industrial occupancies (≤5000m ²)	3.00
Industrial occupancies (>5000m ²)	1.60
(C) RENOVATIONS:	
Renovations, change of tenancy and minor alterations with less than 50% of partition relocation:	
Group A: Assembly occupancies (restaurants, churches etc.)	3.05
Group B: Institutional occupancies	2.20
Group C: Residential occupancies	2.20
Group D: Business and personal services occupancies	2.20
Group E: Mercantile occupancies	2.20
Group F: Industrial occupancies	2.20

SCHEDULE "B"

Building Classifications and Permit Fees

	ServiceIndex (SI) \$/m ²
(D) OTHER MISCELLANEOUS WORK:	Flat Fee
New portable classrooms, new mobile homes, etc.	\$400.00 each
Moving or relocating a building (portable classrooms, etc.)	\$200.00 each
Temporary tents	\$150.00 each
City temporary tents (see note #7)	\$150.00
Communication and transmission towers	\$250.00 each
Solar Collectors	
(detached dwelling, semi-detached dwelling, townhouse dwelling)	\$200.00
(industrial, commercial, institutional, and multi-residential)	\$400.00
Foundation for Tanks, Silos, Dust Collectors, etc.	\$250.00 each
Demising walls only	\$200.00 each
Fire alarm system	\$500.00
Fire suppression system	\$300.00
Electromagnetic locks	\$200.00 each
	Max. \$1,000.00
Decks, porches, basement walkout, etc. to single dwelling	\$100.00 each
Fireplaces, wood stoves, etc.	\$100.00 each
Window replacements (except for single dwelling)	\$6.00 each
Underground and above ground storage tank	\$250.00 per tank
Balcony guard replacements (per m.)	\$12.00/m
	Max. \$1,000.00
Retaining walls (per m.)	\$7.50/m
(E) MECHANICAL COMPONENTS:	
Heating, ventilation, air conditioning etc. (work independent of building permit):	
Group A: Assembly occupancies	0.90
Group B: Institutional occupancies	0.80
Group C: Residential occupancies	0.80
Group D: Business and personal service occupancies	0.80
Group E: Mercantile occupancies	0.80
Group F: Industrial occupancies	0.80
Miscellaneous Work:	Flat Fee Per Unit
Alternate heating systems – solar, geothermal, etc:	
(detached dwelling, semi-detached dwelling, townhouse dwelling)	\$150.00
(industrial, commercial, institutional, and multi-residential)	\$250.00
Commercial kitchen exhaust (including related make-up air)	\$250.00
Spray booth, dust collector etc	\$250.00/unit
Furnace replacement:	
(detached dwelling, semi-detached dwelling, townhouse dwelling)	\$150.00
Boiler replacement:	
(detached dwelling, semi-detached dwelling, townhouse dwelling)	\$150.00
(industrial, commercial, institutional, and multi-residential)	\$250.00
HVAC unit installation:	
(unit heater, rooftop unit, make-up air unit)	\$150.00
Minor alterations to mechanical systems (duct work only, space heater, exhaust fan)	\$200.00/unit

SCHEDULE "B"

Building Classifications and Permit Fees

	ServiceIndex (SI) \$/m ²
(F) PLUMBING AND DRAIN COMPONENTS:	
Plumbing Fixtures:	Fee per Fixture
Group A: Assembly occupancies	\$ 25.00
Group B: Institutional occupancies	\$ 25.00
Group C: Detached, semis, townhouses and duplexes	\$ 25.00
All other residential buildings	\$ 25.00
Group D: Business and personal services occupancies	\$ 25.00
Group E: Mercantile occupancies	\$ 25.00
Group F: Industrial occupancies	\$ 25.00
	\$/lin.m
Miscellaneous Work:	
Inside sanitary and storm piping	1.10
Outside water services, sanitary and storm piping (when not included in complete building permit or permit for site services)	3.25
Replacement of Domestic Water Risers:	\$6 per riser per floor (minimum \$100)
Manholes, catchbasins, interceptors, sumps etc. (when not included in complete building permit or permit for site services)	\$ 25.00 each
Backwater preventor (detached dwelling, semi-detached dwelling, townhouse dwelling) (industrial, commercial, institutional, and multi-residential)	\$150.00 \$250.00
(G) <u>Signs</u>	
	<u>FEES</u> \$/m² *
All Signs	\$25.00 (minimum \$200.00)

Fee is per m² or part thereof, of the sign area of each sign face.

NOTES:

1. Fees for classes of permit not described or included in this schedule shall be determined by the **Chief Building Official**.
2. The occupancy classification shall be established in accordance with the occupancy definitions of the **Ontario Building Code**.
3. Except as provided in Item 5, the floor area is the sum of the areas of all floors including basement and shall be measured to the outer face of the walls.

SCHEDULE "B"
Building Classifications and Permit Fees

4. No deductions shall be made for openings within the floor area; i.e. stairs, elevators, ducts etc.
5. A garage serving only the dwelling unit to which it is attached or built in and an unfinished basement located within a dwelling unit shall not be included in the area calculations.
6. Issued models (house types) are referred to as "issued repeats." An "issued repeat application" is a repeat of the identical house design that the builder has previously submitted as a model for which a building permit has been issued.
7. City temporary tents are one or more tents which are installed as part of an outdoor special event which is hosted by a non-profit organization.

SCHEDULE "C"

FORMS

Applicable provincially mandated forms and municipal forms authorized under Clause 7.(1)(f) of the Building Code Act.

- Form 1 Application for a Permit to Construct or Demolish

- Form 2 Supplementary Information to Application for a Permit to Construct or Demolish

- Form 3 COMMITMENT TO GENERAL REVIEWS BY ARCHITECT AND ENGINEERS

- Form 4 APPLICATION FOR PERMIT TO OCCUPY A BUILDING PRIOR TO COMPLETION

- Form 5 Alternative Solution Authorization Form & Alternative Solution Application

- Form 6 GENERAL REVIEW DEMOLITION COMMITMENT CERTIFICATE

NOTE: *Forms are prescribed by the Chief Building Official, but not attached. As such, they may be amended to reflect changes to Provincial legislation, municipal by-laws, etc. Forms are available at the Building Division, 3rd floor, City Hall or on the website at www.mississauga.ca.*

SCHEDULE "D"

PLANS AND SPECIFICATIONS

Every application shall, unless otherwise determined by the Chief Building Official, be accompanied by two complete sets of working drawings prepared in accordance with generally accepted architectural and engineering practices, for the construction of the proposed building.

Submitted working drawings shall:

1. Be of sufficient details and contain all information to enable the Chief Building Official to determine whether the proposed construction, demolition or change of use conforms to the Act, the Building Code and, any other law:
2. Be dated and marked as “issued for construction”;
3. Be of sufficient detail to construct in accordance with submitted plans and specifications; and
4. Shall contain the necessary designer information as required by the Act.

SCHEDULE "E"

PRESCRIBED NOTICE/INSPECTIONS* OBC Division C, Part 1, 1.3.5.1.(2)/1.3.5.3		
Notice/Inspection	OBC Reference	Description
Footing	Division C – 1.3.5.1(2)(a)	Readiness to construct footings
Backfill	Division C – 1.3.5.1(2)(b)	Substantial completion of footings and foundations prior to commencement of backfilling.
Framing Part 9 Building	Division C – 1.3.5.1(2)(c)	Substantial completion of structural framing, if the building is within the scope of Division B Part 9.
Framing other than Part 9 Building	Division C – 1.3.5.1(2)(d)	Substantial completion of structural framing, if the building is not a building to which Clause Division C – 1.3.5.1(2)(c) applies.
HVAC Rough-In Part 9 Building	Division C – 1.3.5.1(2)(c)	Substantial completion of ductwork and piping for heating and air conditioning, if the building is within the scope of Division B Part 9.
HVAC Rough-In Other than Part 9 Building	Division C – 1.3.5.1(2)(d)	Substantial completion of rough-in, ventilation, air-conditioning and air-contaminant extraction equipment, if the building is not a building to which Clause Division C – 1.3.5.1(2)(c) applies.
Insulation	Division C – 1.3.5.1(2)(e)	Substantial completion of insulation, vapour barriers and air barriers.
Fire Separations	Division C – 1.3.5.1(2)(f)	Substantial completion of all required fire separations and closures.
Fire Protection Systems	Division C – 1.3.5.1(2)(f)	Substantial completion of all fire protection systems including standpipe, sprinkler, fire alarm, and emergency lighting systems.
Fire Access Routes	Division C – 1.3.5.1(2)(g)	Substantial completion of fire access routes.
Building Sewers	Division C – 1.3.5.1(2)(h)(i)	Readiness for inspection and testing of building sewers.
Building Drains	Division C – 1.3.5.1(2)(h)(i)	Readiness for inspection and testing of building drains.
Water Service Pipe	Division C – 1.3.5.1(2)(h)(ii)	Readiness for inspection and testing of water service pipe.
Fire Service Main	Division C – 1.3.5.1(2)(h)(iii)	Readiness for inspection and testing of fire service main.
Plumbing Rough-in – DWV	Division C – 1.3.5.1(2)(h)(iv)	Readiness for inspection and testing of drainage systems and venting systems .
Plumbing Rough-in – Water System	Division C – 1.3.5.1(2)(h)(v)	Readiness for inspection and testing of the water distribution system.
Plumbing Final	Division C – 1.3.5.1(2)(h)(vi)	Readiness for inspection and testing of plumbing fixtures and plumbing appliances.

SCHEDULE “E”

PRESCRIBED NOTICE/INSPECTIONS* OBC Division C, Part 1, 1.3.5.1.(2)/1.3.5.3		
Notice/Inspection	OBC Reference	Description
Pool/Spa Suction and Gravity Outlet System	Division C – 1.3.5.1(2)(i)	Readiness for inspection of suction and gravity outlets, covers and suction piping outlets of an outdoor pool described in Clause 1.3.1.1.(1)(j) of Division A, a public pool or spa.
Pool/Spa Circulation/ Recirculation System	Division C – 1.3.5.1(2)(j)	Substantial completion of the circulation/recirculation system of an outdoor pool as described in Clause 1.3.1.1.(1)(j) of Division A, a public pool or spa.
Sewage System Excavation	Division C – 1.3.5.1(2)(k)	Readiness to construct the sewage system.
Sewage System Completion	Division C – 1.3.5.1(2)(l)	Substantial completion of the installation of the sewage system before the commencement of backfilling.
Site Services	Division C – 1.3.5.1(2)(m)	Substantial completion of installation of plumbing not located in a structure before the commencement of backfilling.
Occupancy Prior to Completion	Division C – 1.3.5.1(2)(n)	Completion of construction and installation of components required to permit the issue of an occupancy permit under Sentence 1.3.3.1.(2) of Division C or to permit occupancy under Sentence 1.3.3.1.(1) of Division C if the building or part of the building to be occupied is not fully completed.
Final – Completion of Building **	BCA Section 11	Completion of the building or part prior to occupancy or use.
Final – Completion of Occupied Unfinished Building	Division C – 1.3.3.3.(1)	Completion of the building where a person has occupied or permitted the occupancy under Section 1.3.3. of Division C – Occupancy of Unfinished Building.

* Prescribed notices and/or inspections apply to all building types, unless otherwise noted.

** “Building” means, BCA 1.(1)

- (a) A structure occupying an area greater than ten square metres, consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto.
- (b) A structure occupying an area of ten square metres or less that contains plumbing, including the plumbing appurtenant thereto.
- (c) Plumbing not located in a structure.
 - (c.1) A sewage system; or
- (d) Structures designated in the building code.

Cayley, Daniel (ENERGY)

From: Wong, Taia (JUS)
Sent: November-10-11 5:50 PM
To: McKinlay, Tom (JUS); Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY)
Cc: Slater, Craig (JUS); Scarfone, Janet (JUS)
Subject: RE: two letters to Greenfield - clean
Attachments: #21927562v5_LEGAL_1_ - Draft Greenfield South Cancellation Notice (ENE LSB) (7).doc

Here is what we just sent up. As Malliha mentioned, please see DAG's comment below.

From: Wilson, Malliha (JUS)
Sent: November 10, 2011 5:40 PM
To: 'Halyna.Perun@ontario.ca'; McKinlay, Tom (JUS); Calwell, Carolyn (ENERGY)
Cc: Slater, Craig (JUS); Scarfone, Janet (JUS); Wong, Taia (JUS)
Subject: Fw: two letters to Greenfield - clean

Sent from my BlackBerry Wireless Device

From: Brown, Meredith (JUS)
To: Wilson, Malliha (JUS); Wong, Taia (JUS)
Sent: Thu Nov 10 17:38:50 2011
Subject: Fw: two letters to Greenfield - clean

See dag's comment.

Sent using my BlackBerry device.

From: Segal, Murray (JUS)
To: Brown, Meredith (JUS)
Sent: Thu Nov 10 17:37:58 2011
Subject: Re: two letters to Greenfield - clean

Seems fine. Dates need be checked Within letters

Sent from my BlackBerry Wireless Device

From: Brown, Meredith (JUS)
To: Segal, Murray (JUS)
Sent: Thu Nov 10 17:31:30 2011
Subject: FW: two letters to Greenfield - clean

Attached is the first letter.

From: Wilson, Malliha (JUS)
Sent: November 10, 2011 5:30 PM
To: Brown, Meredith (JUS)
Cc: Wong, Taia (JUS)
Subject: FW: two letters to Greenfield - clean

From: Wong, Taia (JUS)
Sent: November 10, 2011 5:29 PM
To: Wilson, Malliha (JUS)
Subject: two letters to Greenfield - clean

CONFIDENTIAL

November ●, 2011

Greenfield South Power Corporation
2275 Lakeshore Blvd. West, Suite 400
Toronto ON M8V 3Y3

Attention: Greg Vogt, President

Dear Mr. Vogt:

Re Amended and Restated Clean Energy Supply (ARCES) Contract between Greenfield South Power Corporation and Ontario Power Authority ("OPA") dated as of April 12, 2005 and amended and restated as of March 16, 2009 (the "Contract")

In response to the local community's concerns about the Greenfield South Generation Station, the Government has committed to relocate the plant. It is the OPA's continuing desire to reach mutual agreement to terminate the Contract and negotiate terms of a new contract for a facility in a different location. If these negotiations are not successful, the OPA will not proceed with the Contract.

In light of the above, the OPA requests that you cease all further work and activities in connection with the Facility (as defined in the Contract), other than anything that may be reasonably necessary in the circumstances to bring such work or activities to a conclusion.

This letter constitutes Confidential Information (as such term is defined in the Contract).

Sincerely,

ONTARIO POWER AUTHORITY

By: _____
Name: Colin Andersen
Title: Chief Executive Officer

c: Lang Michener LLP
Brookfield Place
181 Bay Street, Suite 2500
Toronto, Ontario M5J 2T7
Attention: Carl DeVuono
Fax: 416-304-3755

Draft & Privileged

CONFIDENTIAL

November ●, 2011

Greenfield South Power Corporation
2275 Lakeshore Blvd. West, Suite 400
Toronto ON M8V 3Y3

Attention: Greg Vogt, President

Dear Mr. Vogt:

Re Amended and Restated Clean Energy Supply (ARCES) Contract between Greenfield South Power Corporation and Ontario Power Authority (“OPA”) dated as of April 12, 2005 and amended and restated as of March 16, 2009 (the “Contract”)

[NTD: Choose paragraph A, B or C (or an appropriate variation on A, B or C) depending on the circumstances giving rise to the Stage II Letter.]

A.

It appears that despite the OPA’s letter sent to you on November ●, 2011, work is continuing on Greenfield South Generation Station. As a result, in order for us to act consistent with the Government’s commitment to relocate Greenfield South Generation Station, we are advising you that the OPA will not proceed with the Contract.

B.

On November ●, 2011, the OPA sent you a letter expressing its desire to reach a mutual agreement to terminate the Contract and negotiate terms of a new contract for a facility in a different location. To date, we have not been able to engage you in productive negotiations despite our best efforts. As a result, in order for us to act consistent with the Government’s commitment to relocate Greenfield South Generation Station, we are advising you that the OPA will not proceed with the Contract.

C.

On November ●, 2011, the OPA sent you a letter expressing its desire to reach a mutual agreement to terminate the Contract and negotiate terms of a new contract for a facility in a different location. The OPA also requested that you cease all further work and activities in connection with the Facility (as defined in the Contract), other than anything that may be reasonably necessary in the circumstances to bring such work or activities to a conclusion. To date, we have not been able to engage you in productive negotiations despite our best efforts and despite our request, work is continuing on Greenfield South Generation Station. As a result, in order for us to act consistent with the Government’s commitment to relocate Greenfield South Generation Station, we are advising you that the OPA will not proceed with the Contract.

Therefore, in light of your obligations to mitigate any damages resulting from the OPA’s decision not to proceed with the Contract, the OPA requires that you cease all further work and activities in connection with the Facility (as defined in the Contract), other than anything that

Draft & Privileged

may be reasonably necessary in the circumstances to bring such work or activities to a conclusion.

This letter constitutes Confidential Information (as such term is defined in the Contract).

Sincerely,

ONTARIO POWER AUTHORITY

By: _____
Name: Colin Andersen
Title: Chief Executive Officer

c: Lang Michener LLP
Brookfield Place
181 Bay Street, Suite 2500
Toronto, Ontario M5J 2T7
Attention: Carl DeVuono
Fax: 416-304-3755

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Draft & Privileged

Cayley, Daniel (ENERGY)

From: Jennings, Rick (ENERGY)
Sent: November-10-11 6:02 PM
To: Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY)
Cc: Lindsay, David (ENERGY)
Subject: FW: Gas plants

fyi

From: MacCallum, Doug (ENERGY)
Sent: November 10, 2011 4:25 PM
To: Jennings, Rick (ENERGY)
Cc: Poirier, Linda (ENERGY)
Subject: FW: Gas plants

Here's a link to a summary of the Duke Point plant, which quotes the \$120 million write-off and \$5.5 million to their partner. It was still under consideration though, not actually in construction, and it's officially a decision of BC Hydro and not the government.

Doug

From: Buchanan, Jack MEM:EX [mailto:Jack.Buchanan@gov.bc.ca]
Sent: November 10, 2011 4:17 PM
To: MacCallum, Doug (ENERGY)
Subject: RE: Gas plants

I'm sorry, you were right about the Alberni plant; a proposal for a natural gas plant hopped between three sites, including Port Alberni, before dying in Nanaimo. The IPP I was thinking about was a bit further up the highway.

This link has two stories written by Scott Simpson about the project's cancellation. Simpson is the Vancouver Sun's energy reporter and actually has a reasonable understanding of the sector in BC, so this is probably the best summary available. I can try to get more info on specific issues, if you'd like.

<http://www.sqwalk.com/blog/000376.html>

From: MacCallum, Doug (ENERGY) [mailto:Doug.MacCallum@ontario.ca]
Sent: Thursday, November 10, 2011 12:59 PM
To: Buchanan, Jack MEM:EX
Subject: RE: Gas plants

Thanks Jack.

Doug

From: Buchanan, Jack MEM:EX [mailto:Jack.Buchanan@gov.bc.ca]
Sent: November 10, 2011 3:27 PM
To: MacCallum, Doug (ENERGY)
Subject: RE: Gas plants

I'll see what I can find on the Duke Point project (we have an operating IPP gas plant in Port Alberni, but I think that contract was signed around the same time and Port Alberni's near Nanaimo, so it's easy to get them confused). What I remember off the top of my head (and I'm not an expert; this was over ten years ago and I did not work in this field at the time) is that it was a big controversy because the Crown utility sank millions of dollars into development over several years, and then it was cancelled before it reached the construction phase. This project was probably the main trigger to moving government policy towards IPP procurement. Government did not have faith in BC Hydro's ability to develop projects at a reasonable cost, and they also did not want to bear the risk of a particular project failing.

I don't believe that I have any examples of plants that began construction and were shuttered, though.

From: MacCallum, Doug (ENERGY) [mailto:Doug.MacCallum@ontario.ca]
Sent: Thursday, November 10, 2011 8:58 AM
To: Buchanan, Jack MEM:EX
Subject: Gas plants

Jack: there's controversy here over the announced cancellation of a new gas plant that's under construction here. Someone thought BC might have had a similar experience in the past - is there anything you could point me to on that? The closest I know of was the proposed Port Alberni gas generation project by BC Hydro that I understand was withdrawn back in 2001.

Thanks
Doug

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-10-11 6:07 PM
To: Perun, Halyna N. (ENERGY)
Subject: FW: two letters to Greenfield - clean
Attachments: #21927562v5_LEGAL_1_ - Draft Greenfield South Cancellation Notice (ENE LSB) (7).doc

Duplicate attachment removed

This letter is in the form proposed by the OPA, with the OPA's placeholder referring to the government's action inserted to refer to "the government commitment".

Perhaps the best course is for you to respond to Mike's message to you yesterday indicating that the proposed letter from the Minister to the OPA (which has not yet been finalized with the Minister) says the "government remains committed to having the plant relocated". The letters to Greenfield should track that language.

Carolyn

From: Wong, Taia (JUS)
Sent: November 10, 2011 5:50 PM
To: McKinlay, Tom (JUS); Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY)
Cc: Slater, Craig (JUS); Scarfone, Janet (JUS)
Subject: RE: two letters to Greenfield - clean

Here is what we just sent up. As Malliha mentioned, please see DAG's comment below.

From: Wilson, Malliha (JUS)
Sent: November 10, 2011 5:40 PM
To: 'Halyna.Perun@ontario.ca'; McKinlay, Tom (JUS); Calwell, Carolyn (ENERGY)
Cc: Slater, Craig (JUS); Scarfone, Janet (JUS); Wong, Taia (JUS)
Subject: Fw: two letters to Greenfield - clean

Sent from my BlackBerry Wireless Device

From: Brown, Meredith (JUS)
To: Wilson, Malliha (JUS); Wong, Taia (JUS)
Sent: Thu Nov 10 17:38:50 2011
Subject: Fw: two letters to Greenfield - clean

See dag's comment.

Sent using my BlackBerry device.

From: Segal, Murray (JUS)
To: Brown, Meredith (JUS)
Sent: Thu Nov 10 17:37:58 2011
Subject: Re: two letters to Greenfield - clean

Seems fine. Dates need be checked Within letters

Sent from my BlackBerry Wireless Device

From: Brown, Meredith (JUS)
To: Segal, Murray (JUS)
Sent: Thu Nov 10 17:31:30 2011
Subject: FW: two letters to Greenfield - clean

Attached is the first letter.

From: Wilson, Malliha (JUS)
Sent: November 10, 2011 5:30 PM
To: Brown, Meredith (JUS)
Cc: Wong, Taia (JUS)
Subject: FW: two letters to Greenfield - clean

From: Wong, Taia (JUS)
Sent: November 10, 2011 5:29 PM
To: Wilson, Malliha (JUS)
Subject: two letters to Greenfield - clean

Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: November-10-11 6:37 PM
To: 'Michael Lyle'
Cc: Calwell, Carolyn (ENERGY)
Subject: two letters to Greenfield
Attachments: Draft Greenfield South Cancellation Notice (ENE LSB) (7) (5).doc

Duplicate attachment removed

Privileged and Confidential

Hello Mike – the attached letters are in the form proposed by the OPA, with the OPA's placeholder referring to the government's action inserted to refer to "the government commitment" (highlighted in yellow). The proposed letter from the Minister to the OPA (which is with the Minister for review and has not yet been finalized) says the "government remains committed to having the plant relocated". So we request that the letters to Greenfield track that language. We'll let you know about the proposed Minister's letter when we know more. Thank you!

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
BB: (416) 671-2607
E-mail: Halyna.Perun2@ontario.ca

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Cayley, Daniel (ENERGY)

From: Lindsay, David (ENERGY)
Sent: November-11-11 9:54 AM
To: Calwell, Carolyn (ENERGY); Dunning, Rebecca (ENERGY); MacLennan, Craig (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Silva, Joseph (ENERGY)
Subject: Re:

Halyna and I explained the situation and we have it covered.

David

From: Calwell, Carolyn (ENERGY)
To: Lindsay, David (ENERGY); Dunning, Rebecca (ENERGY); MacLennan, Craig (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Silva, Joseph (ENERGY)
Sent: Fri Nov 11 09:33:17 2011
Subject: Re:

Sorry to miss the call - am on the hwy.

From: Lindsay, David (ENERGY)
To: Dunning, Rebecca (ENERGY); MacLennan, Craig (ENERGY); Calwell, Carolyn (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Silva, Joseph (ENERGY)
Sent: Fri Nov 11 09:17:56 2011
Subject: Re:

Thanks Rebecca. The call is now in progress. It works.

From: Dunning, Rebecca (ENERGY)
To: MacLennan, Craig (ENERGY); Lindsay, David (ENERGY); Calwell, Carolyn (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Silva, Joseph (ENERGY)
Sent: Fri Nov 11 09:16:16 2011
Subject: Re:

Reminder may not go off, but this is in all your calendars for 915.

From: MacLennan, Craig (ENERGY)
To: Lindsay, David (ENERGY); Calwell, Carolyn (ENERGY)
Cc: Dunning, Rebecca (ENERGY); Perun, Halyna N. (ENERGY); Silva, Joseph (ENERGY)
Sent: Fri Nov 11 09:14:20 2011
Subject: Re:

Grt.

From: Lindsay, David (ENERGY)
To: MacLennan, Craig (ENERGY); Calwell, Carolyn (ENERGY)
Cc: Dunning, Rebecca (ENERGY); Perun, Halyna N. (ENERGY); Silva, Joseph (ENERGY)
Sent: Fri Nov 11 09:05:11 2011
Subject: Re:

I will get Rebecca to set something up as soon as possible.

From: MacLennan, Craig (ENERGY)
To: Lindsay, David (ENERGY); Calwell, Carolyn (ENERGY)
Sent: Fri Nov 11 09:01:50 2011
Subject:

Can we have a conference call pls?

Craig MacLennan
Chief of Staff
Office of the Minister of Energy
Tel: 416-327-3550

Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November-11-11 11:11 AM
To: King, Ryan (ENERGY); Calwell, Carolyn (ENERGY)
Subject: ASAP

Hi - pls provide comment asap - thank you.

Sent from my BlackBerry Wireless Handheld

From: McMichael, Rhonda (CAB)
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Sent: Fri Nov 11 10:58:10 2011
Subject: Fw:

Hi Rula and Sylvia -- see below -- Giles changes to pass thru policy/legal and also answers to a couple of follow-up qs. Thanks -- let me know if you have questions.

From: McMichael, Rhonda (CAB)
To: Gherson, Giles (CAB)
Cc: Lindsay, David (ENERGY); Betzner, Lynn (CAB)
Sent: Fri Nov 11 10:56:21 2011
Subject: Re:

Thanks Giles -- I think we'll need an answer to a follow-up question or two as well.

Does that mean work is going to stop immediately? What if it doesn't?

I'll work with Energy to craft.

From: Gherson, Giles (CAB)
To: McMichael, Rhonda (CAB)
Cc: Lindsay, David (ENERGY)
Sent: Fri Nov 11 10:03:14 2011
Subject: RE:

Thanks Rhonda,
I think this is all fine except for the response to the question about stopping work. I think it is far too weak. It reads:

We have notified Eastern that we are not proceeding with the contract. We will pursue further discussions about stopping work at the site.

I think we need to be messaging that we expect construction at this site to stop immediately while we pursue further discussions about relocating the plant.

Giles

416.325.3759 (o)

416.587.0983 (c)

From: McMichael, Rhonda (CAB)
Sent: November 11, 2011 6:32 AM
To: 'kristin.jenkins@powerauthority.on.ca'; 'colin.andersen@powerauthority.on.ca'; Lindsay, David (ENERGY); Wallace, Peter (FIN); Livingston, David (IO); 'abirchenough@cogeco.ca'; Mayman, Gadi (OFA); Imbrogno, Serge (OFA); Segal, Murray (JUS)
Cc: Gherson, Giles (CAB); Betzner, Lynn (CAB); Sharkawi, Rula (ENERGY); Hume, Steen (CAB)
Subject: Fw:

Please find attached revised q/a with OPA recommended changes, approved by Energy policy and legal.
(The attachments include both track changes and clean versions).

From: Kovesfalvi, Sylvia (ENERGY)
To: McMichael, Rhonda (CAB)
Cc: Sharkawi, Rula (ENERGY)
Sent: Thu Nov 10 20:57:46 2011
Subject:

Hi – attached are Legal's and policy's suggestions (in tracked version). See Legal's explanation below.

Also attached is a clean copy, accepting Legal, policy's and OPA's changes.

From: Calwell, Carolyn (ENERGY)
Sent: November 10, 2011 6:21 PM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: King, Ryan (ENERGY)
Subject: FW: Urgent: 4:00 PM Meeting

Apologies for my delay – please see suggestions in the attached.

By way of explanation, rather than refer to the government's intention, proposed correspondence refers to the government's commitment to relocate the plant. Rather than say that the OPA "will seek further discussions" with Eastern, I would suggest that the "OPA will pursue" – which is a bit vaguer and more optimistic.

Carolyn

From: McMichael, Rhonda (CAB)
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Sent: Thu Nov 10 16:01:05 2011
Subject: FW: 4:00 PM Meeting

Can you take a look and pass thru your legal? thanks.

From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]

Sent: November 10, 2011 3:22 PM

To: abirchenough@cogeco.ca; Colin Andersen; Lindsay, David (ENERGY); Michael Lyle; JoAnne Butler; Imbrogno, Serge (OFA); Mayman, Gadi (OFA); Segal, Murray (JUS); Livingston, David (IO); Betzner, Lynn (CAB); Wallace, Peter (FIN); Hume, Steen (CAB); McMichael, Rhonda (CAB)

Cc: Amaral-Costa, Maria (CAB)

Subject: RE: 4:00 PM Meeting

Attached are OPA's proposed revisions to the messaging and Qs and As circulated yesterday.

Kristin

Kristin Jenkins | Vice President, Corporate Communications | **Ontario Power Authority** | 120 Adelaide Street West, Suite 1600 | Toronto, ON M5H 1T1 | tel. 416.969.6007 | fax. 416.967.1947 | www.powerauthority.on.ca

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Fisher, Petra (ENERGY)

From: Lindsay, David (ENERGY)
Sent: November-11-11 11:15 AM
To: MacLennan, Craig (ENERGY)
Subject: Fw:

Hi Craig,

This additional sentence, as drafted by counsel, acknowledges that our Minister will engage is colleagues in any discussion on allocating compensation.

As Halyna notes, we will run it by the appropriate folks in the A.G.

Cabinet office understands the Minister's desire for this additional clarification and is supportive.

Once we get confirmation from AG I think we would share with OPA as a courtesy.

I would suggest that you discuss this with the Minister of Finance office and I will discuss it with the Deputy of Finance so everyone knows.

David

From: Perun, Halyna N. (ENERGY)
To: Lindsay, David (ENERGY)
Sent: Fri Nov 11 10:53:43 2011
Subject:

Confidential and Privileged – In Contemplation of Litigation – Draft for Discussion - Nov 11-

Hi Deputy – before I forward this to Malliha/Murray for comments - may I have your thoughts on this one sentence addition please?

[Note that the last sentence in the Jim Hind's letter to the Minister says: "Given our shared interest in ratepayer value, the board would then also like to commence a dialogue with you on the most appropriate way to allocate the compensation between the OPA and the Crown"]

+++++

Dear Mr. Hinds:

In response to your letter of November 10, 2011 and in recognition that community opposition to the Greenfield South Generation Facility is ongoing and well documented, I am writing to acknowledge the OPA's efforts to negotiate with the developer of the facility, Greenfield South Power Corporation, with an aim to achieving a satisfactory resolution concerning the Mississauga site. The government remains committed to having the plant relocated.

I have given careful consideration to public statements, correspondence to the government and resolutions of the Council of the City of Mississauga. While full recognition must be given to rate-payer value and the fair treatment of contractual counterparties, as suggested in your letter, in light of the strong and persistent opposition to the plant, the government supports the OPA's decision to not proceed with the contract and any other appropriate commercial and other steps that the OPA must take in seeking to stop construction of the gas plant at its current location. **I will be engaging my colleagues in any dialogue with you on the most appropriate way to allocate compensation between the OPA and the Crown.**

The circumstances in Mississauga are unique. The government remains committed to a strong, stable supply of electricity for Ontario and continued support of those making investments in Ontario's electricity system.

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
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Fisher, Petra (ENERGY)

From: Lindsay, David (ENERGY)
Sent: November-11-11 11:52 AM
To: MacLennan, Craig (ENERGY)
Subject: Re:

Agreed. Wouldn't share until we land.
Just got off the phone with Peter Wallace and he understands the additional sentence in the letter.

I explained that this is not about "getting permission" from the Min of Finance but making sure he is aware of a contingent liability and that his folks will be involved in any allocation to the fiscal discussions.

David

From: MacLennan, Craig (ENERGY)
To: Lindsay, David (ENERGY)
Sent: Fri Nov 11 11:32:32 2011
Subject: Re:

Before we share w opa I'd like to share with the Min.

From: Lindsay, David (ENERGY)
To: MacLennan, Craig (ENERGY)
Sent: Fri Nov 11 11:14:55 2011
Subject: Fw:

Hi Craig,

This additional sentence, as drafted by counsel, acknowledges that our Minister will engage is colleagues in any discussion on allocating compensation.

As Halyna notes, we will run it by the appropriate folks in the A.G.

Cabinet office understands the Minister's desire for this additional clarification and is supportive.

Once we get confirmation from AG I think we would share with OPA as a courtesy.

I would suggest that you discuss this with the Minister of Finance office and I will discuss it with the Deputy of Finance so everyone knows.

David

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To: Lindsay, David (ENERGY)
Sent: Fri Nov 11 10:53:43 2011
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[Note that the last sentence in the Jim Hind's letter to the Minister says: "Given our shared interest in ratepayer value, the board would then also like to commence a dialogue with you on the most appropriate way to allocate the compensation between the OPA and the Crown"]

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Halyna

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Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November-11-11 11:52 AM
To: King, Ryan (ENERGY); Calwell, Carolyn (ENERGY)
Subject: Fw:

Giles' suggestion (think opa may have incorporated in latest version - not sure - not near a computer and can't read on bb).

Sent from my BlackBerry Wireless Handheld

From: McMichael, Rhonda (CAB)
To: Kovesfalvi, Sylvia (ENERGY); Sharkawi, Rula (ENERGY)
Sent: Fri Nov 11 11:42:58 2011
Subject: Fw:

Fyi see below. I will flip opa email in a second. They may have already made the change.

From: Gherson, Giles (CAB)
To: McMichael, Rhonda (CAB)
Sent: Fri Nov 11 11:39:49 2011
Subject: RE:

Thanks, Rhonda. The letter from OPA to Eastern Power will request that all work stop on the project. Our message could simply repeat this: we have requested that all work stop. I think we can keep the rest pretty much the same.

Giles

416.325.3759 (o)
416.587.0983 (c)

From: McMichael, Rhonda (CAB)
Sent: November 11, 2011 10:56 AM
To: Gherson, Giles (CAB)
Cc: Lindsay, David (ENERGY); Betzner, Lynn (CAB)
Subject: Re:

Thanks Giles -- I think we'll need an answer to a follow-up question or two as well.

Does that mean work is going to stop immediately? What if it doesn't?

I'll work with Energy to craft.

From: Gherson, Giles (CAB)
To: McMichael, Rhonda (CAB)
Cc: Lindsay, David (ENERGY)
Sent: Fri Nov 11 10:03:14 2011
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Thanks Rhonda,

I think this is all fine except for the response to the question about stopping work. I think it is far too weak. It reads:

We have notified Eastern that we are not proceeding with the contract. We will pursue further discussions about stopping work at the site.

I think we need to be messaging that we expect construction at this site to stop immediately while we pursue further discussions about relocating the plant.

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From: McMichael, Rhonda (CAB)
Sent: November 11, 2011 6:32 AM
To: 'kristin.jenkins@powerauthority.on.ca'; 'colin.andersen@powerauthority.on.ca'; Lindsay, David (ENERGY); Wallace, Peter (FIN); Livingston, David (IO); 'abirchenough@cogeco.ca'; Mayman, Gadi (OFA); Imbrogno, Serge (OFA); Segal, Murray (JUS)
Cc: Gherson, Giles (CAB); Betzner, Lynn (CAB); Sharkawi, Rula (ENERGY); Hume, Steen (CAB)
Subject: Fw:

Please find attached revised q/a with OPA recommended changes, approved by Energy policy and legal.
(The attachments include both track changes and clean versions).

From: Kovesfalvi, Sylvia (ENERGY)
To: McMichael, Rhonda (CAB)
Cc: Sharkawi, Rula (ENERGY)
Sent: Thu Nov 10 20:57:46 2011
Subject:

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Also attached is a clean copy, accepting Legal, policy's and OPA's changes.

From: Calwell, Carolyn (ENERGY)
Sent: November 10, 2011 6:21 PM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: King, Ryan (ENERGY)
Subject: FW: Urgent: 4:00 PM Meeting

Apologies for my delay – please see suggestions in the attached.

By way of explanation, rather than refer to the government's intention, proposed correspondence refers to the government's commitment to relocate the plant. Rather than say that the OPA "will seek further discussions" with Eastern, I would suggest that the "OPA will pursue" – which is a bit vaguer and more optimistic.

Carolyn

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To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Sent: Thu Nov 10 16:01:05 2011
Subject: FW: 4:00 PM Meeting

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From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]
Sent: November 10, 2011 3:22 PM
To: abirchenough@cogeco.ca; Colin Andersen; Lindsay, David (ENERGY); Michael Lyle; JoAnne Butler; Imbrogno, Serge (OFA); Mayman, Gadi (OFA); Segal, Murray (JUS); Livingston, David (IO); Betzner, Lynn (CAB); Wallace, Peter (FIN); Hume, Steen (CAB); McMichael, Rhonda (CAB)
Cc: Amaral-Costa, Maria (CAB)
Subject: RE: 4:00 PM Meeting

Attached are OPA's proposed revisions to the messaging and Qs and As circulated yesterday.

Kristin

Kristin Jenkins | Vice President, Corporate Communications | **Ontario Power Authority** | 120 Adelaide Street West, Suite 1600 | Toronto, ON M5H 1T1 | tel. 416.969.6007 | fax. 416.967.1947 | www.powerauthority.on.ca

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Fisher, Petra (ENERGY)

From: Lindsay, David (ENERGY)
Sent: November-11-11 11:54 AM
To: Perun, Halyna N. (ENERGY)
Subject: Re:

Hi Halyna,

I did let Craig know where we are on this. He wanted to make sure we didn't share anything with OPA until we land internally (ie with our Minister) on any new wording.

I also gave a heads up to Deputy of Finance on what we are working on.

David

From: Perun, Halyna N. (ENERGY)
To: Lindsay, David (ENERGY)
Sent: Fri Nov 11 10:53:43 2011
Subject:

Confidential and Privileged – In Contemplation of Litigation – Draft for Discussion - Nov 11-

Hi Deputy – before I forward this to Malliha/Murray for comments - may I have your thoughts on this one sentence addition please?

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Cayley, Daniel (ENERGY)

From: King, Ryan (ENERGY)
Sent: November-11-11 12:03 PM
To: Kovesfalvi, Sylvia (ENERGY); Calwell, Carolyn (ENERGY)
Subject: Re: ASAP

That looks ok

From: Kovesfalvi, Sylvia (ENERGY)
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Hi - pls provide comment asap - thank you.

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Kristin

Kristin Jenkins | Vice President, Corporate Communications | **Ontario Power Authority** | 120 Adelaide Street West, Suite 1600 | Toronto, ON M5H 1T1 | tel. 416.969.6007 | fax. 416.967.1947 | www.powerauthority.on.ca

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Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: November-11-11 12:42 PM
To: 'Michael Lyle'
Subject: RE: two letters to Greenfield
Attachments: image001.gif

Attachment is image below

Hi Mike – if possible, could you please send me the revised two letters – I won't be sending them around – I just want to make sure that Energy's communications messages align (am reviewing comms materials now and they don't reflect a 'two step approach') thanks very much

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
BB: (416) 671-2607
E-mail: Halyna.Perun2@ontario.ca

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From: Michael Lyle [<mailto:Michael.Lyle@powerauthority.on.ca>]
Sent: November 10, 2011 6:40 PM
To: Perun, Halyna N. (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Subject: RE: two letters to Greenfield

As per my earlier discussion with Carolyn, the draft letters currently say "the Government has stated its intention to relocate the plant". We are still awaiting word on whether a letter can be sent tonight.

Michael Lyle
General Counsel and Vice President
Legal, Aboriginal & Regulatory Affairs
Ontario Power Authority
120 Adelaide Street West, Suite 1600
Toronto, Ontario, M5H 1T1
Direct: 416-969-6035
Fax: 416.969.6383
Email: michael.lyle@powerauthority.on.ca

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From: Perun, Halyna N. (ENERGY) [mailto:Halyna.Perun2@ontario.ca]
Sent: November 10, 2011 6:37 PM
To: Michael Lyle
Cc: Calwell, Carolyn (ENERGY)
Subject: two letters to Greenfield

Privileged and Confidential

Hello Mike – the attached letters are in the form proposed by the OPA, with the OPA's placeholder referring to the government's action inserted to refer to "the government commitment" (highlighted in yellow). The proposed letter from the Minister to the OPA (which is with the Minister for review and has not yet been finalized) says the "government remains committed to having the plant relocated". So we request that the letters to Greenfield track that language. We'll let you know about the proposed Minister's letter when we know more. Thank you!

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
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Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: November-11-11 2:45 PM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: Calwell, Carolyn (ENERGY); King, Ryan (ENERGY)
Subject: RE: ASAP

Privileged and Confidential

Hi - Re CO's comment – the OPA added to this line:

We have notified Eastern that we are not proceeding with the contract and advised Eastern to stop construction. We have made it clear that Eastern is financially liable if construction continues. We will pursue further discussions about stopping work at the site.

So – that should address CO concerns. I have reviewed this with OPA General Counsel and this is what he advises could be added.

As you and I have discussed, the “who says what” chart is written from the point of view that the contract is terminated.

This chart applies once the OPA actually sends a letter of termination to Eastern.

However, my understanding from OPA General Counsel is that it remains undecided whether this is the approach that will be taken. Another approach (which he believes will be the approach) is what we refer to as the “two step approach” whereby:

- (1) First letter from the OPA to go to Eastern would say
 - OPA continues to desire reaching a mutual agreement to terminate the contract and negotiate terms of a new contract for a facility in a different location
 - If these negotiations are not successful, OPA will not proceed with the Contract
- (2) Second letter would follow a few days later should negotiations continue to fail – that now the contract is terminated.

So – the attached chart does not address the two-step approach.

To address the two-step, you'd need to build in a Q and A something like following:

Q. Has the contract been terminated?

A. No, but should negotiations not be successful, the OPA has notified Eastern Power that it is not proceeding with the contract.

A. In the meantime, the OPA has requested Eastern Power to stop construction at the site.

Also please note: – there has been discussion today about the public release of the two letters – one from the OPA to the Minister and the expected letter from the Minister to the OPA (not yet sent). There needs to be a communications strategy developed pertaining to these two letters should it be desired to release them.

Thanks Sylvia

Halyna

Halyna N. Perun

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From: Kovesfalvi, Sylvia (ENERGY)
To: King, Ryan (ENERGY); Calwell, Carolyn (ENERGY)
Sent: Fri Nov 11 11:11:20 2011
Subject: ASAP

Hi - pls provide comment asap - thank you.

Sent from my BlackBerry Wireless Handheld

From: McMichael, Rhonda (CAB)
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Sent: Fri Nov 11 10:58:10 2011
Subject: Fw:

Hi Rula and Sylvia -- see below -- Giles changes to pass thru policy/legal and also answers to a couple of follow-up qs. Thanks -- let me know if you have questions.

From: McMichael, Rhonda (CAB)
To: Gherson, Giles (CAB)
Cc: Lindsay, David (ENERGY); Betzner, Lynn (CAB)
Sent: Fri Nov 11 10:56:21 2011
Subject: Re:

Thanks Giles -- I think we'll need an answer to a follow-up question or two as well.

Does that mean work is going to stop immediately? What if it doesn't?

I'll work with Energy to craft.

From: Gherson, Giles (CAB)
To: McMichael, Rhonda (CAB)
Cc: Lindsay, David (ENERGY)
Sent: Fri Nov 11 10:03:14 2011
Subject: RE:

Thanks Rhonda,

I think this is all fine except for the response to the question about stopping work. I think it is far too weak. It reads:

We have notified Eastern that we are not proceeding with the contract. We will pursue further discussions about stopping work at the site.

I think we need to be messaging that we expect construction at this site to stop immediately while we pursue further discussions about relocating the plant.

Giles

416.325.3759 (o)

416.587.0983 (c)

From: McMichael, Rhonda (CAB)

Sent: November 11, 2011 6:32 AM

To: 'kristin.jenkins@powerauthority.on.ca'; 'colin.andersen@powerauthority.on.ca'; Lindsay, David (ENERGY); Wallace, Peter (FIN); Livingston, David (IO); 'abirchenough@cogeco.ca'; Mayman, Gadi (OFA); Imbrogno, Serge (OFA); Segal, Murray (JUS)

Cc: Gherson, Giles (CAB); Betzner, Lynn (CAB); Sharkawi, Rula (ENERGY); Hume, Steen (CAB)

Subject: Fw:

Please find attached revised q/a with OPA recommended changes, approved by Energy policy and legal.
(The attachments include both track changes and clean versions).

From: Kovesfalvi, Sylvia (ENERGY)

To: McMichael, Rhonda (CAB)

Cc: Sharkawi, Rula (ENERGY)

Sent: Thu Nov 10 20:57:46 2011

Subject:

Hi – attached are Legal's and policy's suggestions (in tracked version). See Legal's explanation below.

Also attached is a clean copy, accepting Legal, policy's and OPA's changes.

From: Calwell, Carolyn (ENERGY)

Sent: November 10, 2011 6:21 PM

To: Kovesfalvi, Sylvia (ENERGY)

Cc: King, Ryan (ENERGY)

Subject: FW: Urgent: 4:00 PM Meeting

Apologies for my delay – please see suggestions in the attached.

By way of explanation, rather than refer to the government's intention, proposed correspondence refers to the government's commitment to relocate the plant. Rather than say that the OPA "will seek further discussions" with Eastern, I would suggest that the "OPA will pursue" – which is a bit vaguer and more optimistic.

Carolyn

From: McMichael, Rhonda (CAB)
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Sent: Thu Nov 10 16:01:05 2011
Subject: FW: 4:00 PM Meeting

Can you take a look and pass thru your legal? thanks.

From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]
Sent: November 10, 2011 3:22 PM
To: abirchenough@cogeco.ca; Colin Andersen; Lindsay, David (ENERGY); Michael Lyle; JoAnne Butler; Imbrogno, Serge (OFA); Mayman, Gadi (OFA); Segal, Murray (JUS); Livingston, David (IO); Betzner, Lynn (CAB); Wallace, Peter (FIN); Hume, Steen (CAB); McMichael, Rhonda (CAB)
Cc: Amaral-Costa, Maria (CAB)
Subject: RE: 4:00 PM Meeting

Attached are OPA's proposed revisions to the messaging and Qs and As circulated yesterday.

Kristin

Kristin Jenkins | Vice President, Corporate Communications | **Ontario Power Authority** | 120 Adelaide Street West, Suite 1600 | Toronto, ON M5H 1T1 | tel. 416.969.6007 | fax. 416.967.1947 | www.powerauthority.on.ca

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Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November-11-11 2:57 PM
To: 'Perun, Halyna N. (ENERGY)'
Cc: Calwell, Carolyn (ENERGY); King, Ryan (ENERGY)
Subject: RE: ASAP

Thanks very much Halyna.

I will share this with CO (and cc you).

Enjoy what's left of the 'day off'.

From: Perun, Halyna N. (ENERGY)
Sent: November 11, 2011 2:45 PM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: Calwell, Carolyn (ENERGY); King, Ryan (ENERGY)
Subject: RE: ASAP

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Thanks Sylvia

Halyna

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Subject: RE: 4:00 PM Meeting

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Kristin

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Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: November-11-11 3:03 PM
To: 'Nimi Visram'
Cc: 'Michael Lyle'
Subject: RE: Greenfield
Attachments: image001.gif

Thank you!

Attachment is image below

Halyna

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A/Director
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From: Nimi Visram [mailto:Nimi.Visram@powerauthority.on.ca]
Sent: November 11, 2011 1:54 PM
To: Perun, Halyna N. (ENERGY)
Cc: Michael Lyle
Subject: Greenfield

Mike asked that I forward the attached to your attention.

Thnx
Nimi

Nimi Visram | Ontario Power Authority | Executive Assistant & Board Coordinator, to General Counsel & Vice President, Legal, Aboriginal and Regulatory Affairs

120 Adelaide St W., Suite 1600 | Toronto, Ontario, M5H 1T1

☎ Phone: 416.969.6027 | 📠 Fax: 416.969.6383 | ✉ Email: nimi.visram@powerauthority.on.ca

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Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: November-11-11 3:07 PM
To: Calwell, Carolyn (ENERGY)
Subject: FW: Greenfield
Attachments: Greenfield South Letters - Letterhead - November 11 2011 - reworted.wbk;
greenest2011_english-(custom)verysmall.gif

Attachment is image below

Privileged and Confidential

Latest versions of OPA letters to Eastern - according to Mike, Colin A has signed all three of them and Mike is waiting for instructions re which one to send – what drama!

Halyna

Halyna N. Perun
A/Director
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Mike asked that I forward the attached to your attention.

Thnx
Nimi

Nimi Visram | Ontario Power Authority | Executive Assistant & Board Coordinator, to General Counsel & Vice President, Legal, Aboriginal and Regulatory Affairs
120 Adelaide St W., Suite 1600 | Toronto, Ontario, M5H 1T1
☎ Phone: 416.969.6027 | 📠 Fax: 416.969.6383 | ✉ Email: nimi.visram@powerauthority.on.ca

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www.powerauthority.on.ca

CONFIDENTIAL

November 11, 2011

Greenfield South Power Corporation
2275 Lakeshore Blvd. West, Suite 400
Toronto ON M8V 3Y3

Attention: Greg Vogt, President

Dear Mr. Vogt:

Re Amended and Restated Clean Energy Supply (ARCES) Contract between Greenfield South Power Corporation and Ontario Power Authority ("OPA") dated as of April 12, 2005 and amended and restated as of March 16, 2009 (the "Contract")

In response to the local community's concerns about the Greenfield South Generation Station, the Government has committed to relocate the plant. It is the OPA's continuing desire to reach mutual agreement to terminate the Contract and negotiate terms of a new contract for a facility in a different location. If these negotiations are not successful, the OPA will not proceed with the Contract.

Therefore, in light of your obligations to mitigate any damages resulting from the OPA's decision not to proceed with the Contract if negotiations are not successful, the OPA requests that you cease all further work and activities in connection with the Facility (as defined in the Contract), other than anything that may be reasonably necessary in the circumstances to bring such work or activities to a conclusion.

This letter constitutes Confidential Information (as such term is defined in the Contract).

Sincerely,

ONTARIO POWER AUTHORITY

By: _____
Name: Colin Andersen
Title: Chief Executive Officer

cc: McMillan LLP
Brookfield Place
181 Bay Street, Suite 2500
Toronto, Ontario M5J 2T7
Attention: Carl DeVuono
Fax: 416-304-3755



120 Adelaide Street West
Suite 1600
Toronto, Ontario M5H 1T1
T 416-967-7474
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CONFIDENTIAL

November 11, 2011

Greenfield South Power Corporation
2275 Lakeshore Blvd. West, Suite 400
Toronto ON M8V 3Y3

Attention: Greg Vogt, President

Dear Mr. Vogt:

Re Amended and Restated Clean Energy Supply (ARCES) Contract between Greenfield South Power Corporation and Ontario Power Authority ("OPA") dated as of April 12, 2005 and amended and restated as of March 16, 2009 (the "Contract")

In response to the local community's concerns about the Greenfield South Generation Station, the Government has committed to relocate the plant. As a result, the OPA is terminating the Contract. It is the OPA's continuing desire to reach mutual agreement on a satisfactory resolution of this matter and negotiate terms of a new contract for a facility in a different location.

Therefore, in light of your obligations to mitigate any damages resulting from the OPA's decision to terminate the Contract, the OPA requires that you cease all further work and activities in connection with the Facility (as defined in the Contract), other than anything that may be reasonably necessary in the circumstances to bring such work or activities to a conclusion.

This letter constitutes Confidential Information (as such term is defined in the Contract).

Sincerely,

ONTARIO POWER AUTHORITY

By: _____
Name: Colin Andersen
Title: Chief Executive Officer



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CONFIDENTIAL

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Therefore, in light of your obligations to mitigate any damages resulting from the OPA's decision not to proceed with the Contract, the OPA requires that you cease all further work and activities in connection with the Facility (as defined in the Contract), other than anything that may be reasonably necessary in the circumstances to bring such work or activities to a conclusion.

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Sincerely,

ONTARIO POWER AUTHORITY

By: _____

Name: Colin Andersen
Title: Chief Executive Officer

Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: November-11-11 3:25 PM
To: Perun, Halyna N. (ENERGY)
Subject: ltr
Attachments: Energy Letter to OPA Keele Greenfield Nov 11 pm.doc

Halyna

Halyna N. Perun
A/Director
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E-mail: Halyna.Perun2@ontario.ca

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Ministry of Energy

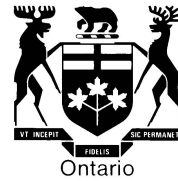
Office of the Minister

4th Floor, Hearst Block
900 Bay Street
Toronto ON M7A 2E1
Tel.: 416-327-6758
Fax: 416-327-6754

Ministère de l'Énergie

Bureau du ministre

4^e étage, édifice Hearst
900, rue Bay
Toronto ON M7A 2E1
Tél. : 416 327-6758
Téléc. : 416 327-6754



November XX, 2011

Mr. Jim Hinds
Chair
Ontario Power Authority
1600–120 Adelaide Street West
Toronto ON M5H 1T1

Dear Mr. Hinds:

In response to your letter of November 10, 2011 and in recognition that community opposition to the Greenfield South Generation Facility is ongoing and well documented, I am writing to acknowledge the Ontario Power Authority's efforts to negotiate with the developer of the facility, Greenfield South Power Corporation, with an aim to achieving a satisfactory resolution concerning the Mississauga site. The government remains committed to having the plant relocated.

I have given careful consideration to public statements, correspondence to the government and resolutions of the Council of the City of Mississauga. While full recognition must be given to rate-payer value and the fair treatment of contractual counterparties, as suggested in your letter, in light of the strong and persistent opposition to the plant, the government supports the OPA's decision to not proceed with the contract and any other appropriate commercial and other steps that the OPA must take in seeking to stop construction of the gas plant at its current location. I will be engaging my colleagues in any dialogue with you on the most appropriate way to allocate compensation between the OPA and the Crown.

The circumstances in Mississauga are unique. The government remains committed to a strong, stable supply of electricity for Ontario and continued support of those making investments in Ontario's electricity system.

Sincerely,

Chris Bentley
Minister

c: David Lindsay, Deputy Minister

Cayley, Daniel (ENERGY)

From: Lindsay, David (ENERGY)
Sent: November-11-11 3:26 PM
To: MacLennan, Craig (ENERGY); Perun, Halyna N. (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Subject: Re: letter and binder of public record materials

What a team effort!

Craig we should loop Colin in on the Minister's timing.

I believe the assumption was that they should be ready to action the letter to Eastern on the assumption that these letters would flow today.

If it isn't going to go today we should let Colin know so he doesn't have staff sitting waiting to send letters out from his end.

David

From: MacLennan, Craig (ENERGY)
To: Perun, Halyna N. (ENERGY)
Cc: Lindsay, David (ENERGY); Calwell, Carolyn (ENERGY)
Sent: Fri Nov 11 15:20:21 2011
Subject: RE: letter and binder of public record materials

Sounds good to me.

From: Perun, Halyna N. (ENERGY)
Sent: November 11, 2011 3:20 PM
To: MacLennan, Craig (ENERGY)
Cc: Lindsay, David (ENERGY); Calwell, Carolyn (ENERGY)
Subject: letter and binder of public record materials

Privileged and Confidential

Hi Craig – I will take one public record binder home with me – should the Minister need to discuss any of it – we can do this on a conference call with him – so that we (ie Carolyn) don't need to drive out with you to London for this purpose – hope that will be satisfactory

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
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Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-11-11 3:30 PM
To: Perun, Halyna N. (ENERGY)
Subject: Re: Greenfield
Attachments: greenest2011_english-(custom)verysmall.gif

Attachment is image below

Wow - what a day you've had!
I can't open the letters on my bb. Will read tomorrow. Are things winding down for today?

From: Perun, Halyna N. (ENERGY)
To: Calwell, Carolyn (ENERGY)
Sent: Fri Nov 11 15:06:31 2011
Subject: FW: Greenfield

Privileged and Confidential

Latest versions of OPA letters to Eastern - according to Mike, Colin A has signed all three of them and Mike is waiting for instructions re which one to send – what drama!

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
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Toronto, ON M5G 2E5
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From: Nimi Visram [<mailto:Nimi.Visram@powerauthority.on.ca>]
Sent: November 11, 2011 1:54 PM
To: Perun, Halyna N. (ENERGY)
Cc: Michael Lyle
Subject: Greenfield

Mike asked that I forward the attached to your attention.

Thnx
Nimi

Nimi Visram | Ontario Power Authority | Executive Assistant & Board Coordinator, to General Counsel & Vice President, Legal, Aboriginal and Regulatory Affairs

120 Adelaide St W., Suite 1600 | Toronto, Ontario, M5H 1T1

☎ Phone: 416.969.6027 | 📠 Fax: 416.969.6383 | ✉ Email: nimi.visram@powerauthority.on.ca

🌱 Please consider your environmental responsibility before printing this email.



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Fisher, Petra (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: November-11-11 4:22 PM
To: 'chrisbentley@liberal.ola.org'
Cc: Lindsay, David (ENERGY); MacLennan, Craig (ENERGY)
Subject: Fw: OPA letter to the Minister - the latest draft

Privileged and Confidential

As per your request - the below email to Malliha is the text of the letter from the OPA - this was our latest version that we worked on but ultimately I have not seen the actual letter your office received. My apologies for sending this to you as a forward of another email but I am in transit and am technically challenged at the moment!

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

Sent using BlackBerry

From: Perun, Halyna N. (ENERGY)
To: Wilson, Malliha (JUS)
Sent: Fri Nov 11 13:18:49 2011
Subject: OPA letter to the Minister - the latest draft

Privileged and Confidential

This is the draft we landed on – we have not seen the actual signed version that was sent to the Minister yesterday:

Dear Minister:

I am writing to you on behalf of the Ontario Power Authority's (OPA) Board of Directors with respect to the Greenfield South Power Plant, which the Ministry of Energy procured in 2004. The OPA was subsequently directed to enter into a contract with Greenfield and is now the sole counterparty. The Board clearly understands that the government's intention is to relocate the plant as outlined in your letter to the OPA on October 24, 2011. The purpose of this letter is to ensure that the government's intention is met.

The OPA Board of Directors takes very seriously its responsibilities to our contract counter-parties. Like the provincial government, we would like to achieve a resolution for the Greenfield South plant that provides both fair treatment to the counterparty and Ontario ratepayers. We also think it is important that electricity developers generally continue to have confidence to invest in Ontario and that gas-fired generation continues to be accepted as an important, cost-effective and safe part of the province's electricity supply mix. At the same time, we recognize the public concern about the location of this plant and public requests that construction of the plant stop.

After receiving your October 24th letter, the OPA commenced discussions with Greenfield South. To date, the OPA's preferred approach has been to reach an agreement with Greenfield South to stop construction and negotiate an arrangement to relocate the plant or terminate the contract. Since then, it has become clear that Greenfield South may not agree to such an approach. In light of this, the logical next step appears to be to notify Greenfield South that the OPA will not be proceeding with the contract.

I wish to assure you that, even after taking this step, the OPA will seek to continue discussions with Greenfield South to arrive at an agreement on appropriate compensation. Given our shared interest in ratepayer value, the board would then also like to commence a dialogue with you on the most appropriate way to allocate the compensation between the OPA and the Crown.

I look forward to your reply.

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
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Cayley, Daniel (ENERGY)

From: Lindsay, David (ENERGY)
Sent: November-11-11 7:39 AM
To: Calwell, Carolyn (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Silva, Joseph (ENERGY); Dunning, Rebecca (ENERGY)
Subject: Craig's e-mail request

Hi Carolyn,

I've been talking with Craig and Murray Segal about this issue.

Let's have a chat about how we can be helpful without making it too complicated.

I'm available to chat on a cell phone at any time this morning (647) 262-3927 if you are available.

We might want to set up a conference call to discuss. Unfortunately I have a competency gap -- I don't have a conference call access code nor do I know how to set one up.

David

Cayley, Daniel (ENERGY)

From: Lindsay, David (ENERGY)
Sent: November-11-11 7:44 AM
To: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY)
Cc: Jennings, Rick (ENERGY)
Subject: Re: ****important***priviledged communication****

Thanks Carolyn. Just read your reply. This is good. It is the type of general advice he is seeking. The options MS and I discussed at 10 o'clock last night included a reportback to a smaller group without any detailed paper.

Go get your daughter. Queen's is a great school!

David

From: Calwell, Carolyn (ENERGY)
To: Lindsay, David (ENERGY); Perun, Halyna N. (ENERGY)
Cc: Jennings, Rick (ENERGY)
Sent: Fri Nov 11 07:38:53 2011
Subject: FW: ****important***priviledged communication****

Deputy & Halyan ,

Craig's questions aren't legal questions. I have prepared the following pros and cons for consideration and to aid the discussion - I'm not certain that I'm best placed to advise on this.

I am picking my niece up at Union Station in 20 minutes and we are off to Queen's for a university tour - my availability will be intermitent.

Carolyn

Cabinet Minute

Pros

- Would reflect broad support for action
- Allows debate of the issue

Cons

- Takes time
- Discussion potentially difficult
- Involves many people in sensitive matter that could lead to litigation
- Has potential implications for solicitor-client privilege

TB Minute

Pros

- Addresses financial implications of this plant
- Would reflect broad support for action, particularly once TB decision is ratified by Cabinet

Cons

- Takes time

- May lead to broader Cabinet discussion in any event (in other words, less direct than going straight to Cabinet, but with the same ultimate requirement)

Letter

Pros

- With a willing author, the fastest course

Cons

- Value depends on content and signatory

From: MacLennan, Craig (ENERGY)

Sent: Fri 11/11/2011 6:58 AM

To: Calwell, Carolyn (ENERGY); Lindsay, David (ENERGY)

Subject: ****important***priviledged communication****

Carolyn,

As you know the Min is looking for paper comfort from his colleagues on exposure.

Can u pls tell me the options available for us on what that paper could be...ie, cab min, tb order, letter from dwight....etc and the pro's/cons associated w each.

Deputy - can you pls loop in w Murray on the options to get his sense.

Cm

Cayley, Daniel (ENERGY)

From: Wilson, Malliha (JUS)
Sent: November-11-11 7:51 AM
To: Perun, Halyna N. (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Subject: Re: ****important***priviledged communication****

Will do

Sent from my BlackBerry Wireless Device

----- Original Message -----

From: Perun, Halyna N. (ENERGY)
To: Wilson, Malliha (JUS)
Cc: Calwell, Carolyn (ENERGY)
Sent: Fri Nov 11 07:37:53 2011
Subject: Fw: ****important***priviledged communication****

Malliha - please see below.

You will likely want to see our advice re options to Energy Minister's Office before we send - please let DAG know that we're working on this and that Min Off has asked that Dep Lindsay call him about them -

Thanks

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

Sent using BlackBerry

----- Original Message -----

From: Calwell, Carolyn (ENERGY)
To: Perun, Halyna N. (ENERGY)
Sent: Fri Nov 11 07:20:08 2011
Subject: Fw: ****important***priviledged communication****

Am working on response now. DM to look on DAG, so you will want to send product to Malliha, I expect.

----- Original Message -----

From: MacLennan, Craig (ENERGY)
To: Calwell, Carolyn (ENERGY); Lindsay, David (ENERGY)
Sent: Fri Nov 11 06:58:31 2011
Subject: ****important***priviledged communication****

Carolyn,

As you know the Min is looking for paper comfort from his colleagues on exposure.

Can u pls tell me the options available for us on what that paper could be...ie, cab min, tb order, letter from dwight....etc and the pro's/cons associated w each.

Deputy - can you pls loop in w Murray on the options to get his sense.

Cm

Cayley, Daniel (ENERGY)

From: Wilson, Malliha (JUS)
Sent: November-11-11 7:53 AM
To: Perun, Halyna N. (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Subject: Re: ****important***priviledged communication****

Yes - I understood that. Don't worry

Sent from my BlackBerry Wireless Device

From: Perun, Halyna N. (ENERGY)
To: Wilson, Malliha (JUS)
Cc: Calwell, Carolyn (ENERGY)
Sent: Fri Nov 11 07:51:39 2011
Subject: Fw: ****important***priviledged communication****

Malliha - What Craig was asking for - Dep Lindsay wanted general not legal advice. Dep Lindsay has already been in touch with DAG about options last evening - option they also discussed is report back to a smaller group. We'll keep you posted if anything else comes up - Nothing more needed for now.

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

Sent using BlackBerry

From: Calwell, Carolyn (ENERGY)
To: Lindsay, David (ENERGY); Perun, Halyna N. (ENERGY)
Cc: Jennings, Rick (ENERGY)
Sent: Fri Nov 11 07:38:53 2011
Subject: FW: ****important***priviledged communication****

Deputy & Halyan ,

Craig's questions aren't legal questions. I have prepared the following pros and cons for consideration and to aid the discussion - I'm not certain that I'm best placed to advise on this.

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Carolyn

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Pros

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TB Minute

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- Addresses financial implications of this plant
- Would reflect broad support for action, particularly once TB decision is ratified by Cabinet

Cons

- Takes time
- May lead to broader Cabinet discussion in any event (in other words, less direct than going straight to Cabinet, but with the same ultimate requirement)

Letter

Pros

- With a willing author, the fastest course

Cons

- Value depends on content and signatory

From: MacLennan, Craig (ENERGY)

Sent: Fri 11/11/2011 6:58 AM

To: Calwell, Carolyn (ENERGY); Lindsay, David (ENERGY)

Subject: ****important***priviledged communication****

Carolyn,

As you know the Min is looking for paper comfort from his colleagues on exposure.

Can u pls tell me the options available for us on what that paper could be...ie, cab min, tb order, letter from dwight....etc and the pro's/cons associated w each.

Deputy - can you pls loop in w Murray on the options to get his sense.

Cm

Fisher, Petra (ENERGY)

From: amyo.chan@cibc.ca
Sent: October-12-11 11:01 AM
To: Write2us (ENERGY)
Subject: Mississauga Power Plant

Hello,

Can you confirm that the Eastern Power plant has been cancelled (as part of Prem. McGuinty's election promise)?

Please advise by Thurs. Oct 13.

Thanks,

Amy
from: Amy

Fisher, Petra (ENERGY)

From: Lindsay, David (ENERGY)
Sent: November-12-11 4:39 PM
To: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY)
Cc: Silva, Joseph (ENERGY)
Subject: Re: ASAP

Perfect timing! Paola gets to join us as we give birth to a new and interesting file!

Have a good weekend everyone - or at least what is left of it.

David

From: Sharkawi, Rula (ENERGY)
To: Lindsay, David (ENERGY); Perun, Halyna N. (ENERGY)
Cc: Silva, Joseph (ENERGY)
Sent: Sat Nov 12 15:41:57 2011
Subject: Re: ASAP

Yes of course. I will include our new Asst Director Paola as well.

Rula

From: Lindsay, David (ENERGY)
To: Perun, Halyna N. (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Silva, Joseph (ENERGY)
Sent: Sat Nov 12 14:46:52 2011
Subject: Re: ASAP

Okay thanks Halyna.

Rula would you take the lead on coordinating our Minister's preparation for the media frenzy I believe we are about to enter.

Joseph and our shop can help coordinate.

David

From: Perun, Halyna N. (ENERGY)
To: Lindsay, David (ENERGY)
Cc: Sharkawi, Rula (ENERGY)
Sent: Sat Nov 12 14:42:22 2011
Subject: Fw: ASAP

Hi Deputy - the attached went to CO yesterday aft - it will need to be finalized once we're clear whether OPA is proceeding w one step vs two-step approach - this was noted by Sylvia - I believe this would be the most uptodate comms strategy we have - co took the lead on it til now - but you will see we noted that we need to anticipate that the opa and min's letters could be made public and we need a comms strategy for that. A huddle Mon morning would be a good idea - I could be available before that if needed -

Halyna Perun

A\Director
Ph: 416 325 6681
BB: 416 671 2607

Sent using BlackBerry

From: Kovesfalvi, Sylvia (ENERGY)
To: McMichael, Rhonda (CAB); Sharkawi, Rula (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Sent: Fri Nov 11 15:37:52 2011
Subject: ASAP

Hi –

See Legal's response below. There are several approaches under discussion – nothing has been decided yet. In light of this, we have added an additional question to the chart (also reflected in messaging), in case we take the two-step approach (OPA sends 1st letter saying we'd like to negotiate, pls stop work while we do so, followed by 2nd letter saying negotiations haven't been successful, you haven't stopped working, we are not proceeding with contract).

Note: the OPA has sent the Minister a letter (our legal folks haven't seen it). The Minister is expected to send OPA a letter in response. It has not been sent yet – and there's no definitive timeline.

There is discussion to release these letters publicly. If that happens, Legal has advised we'll need a coms strategy. I've indicated that content/objective of letters and method of release will determine coms strategy (Rhonda – have you seen letters? Is this something CO/Greenfield working group is discussing?)

Attached are two versions of the chart: tracked with OPA's suggested change as noted in Halyna's email and below, and the additional QA/messaging in case a 2-step approach is adopted.

We have notified Eastern that we are not proceeding with the contract and advised Eastern to stop construction. We have made it clear that Eastern is financially liable if construction continues. We will pursue further discussions about stopping work at the site.

Note: Legal has advised that only the OPA should communicate the reference to financial liability. So this is only in OPA's response track.

I'll be off-line for the next couple of hours (driving).

From: Perun, Halyna N. (ENERGY)
Sent: November 11, 2011 2:45 PM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: Calwell, Carolyn (ENERGY); King, Ryan (ENERGY)
Subject: RE: ASAP

Privileged and Confidential

Hi - Re CO's comment – the OPA added to this line:

We have notified Eastern that we are not proceeding with the contract and advised Eastern to stop construction. We have made it clear that Eastern is financially liable if construction continues. We will pursue further discussions about stopping work at the site.

So – that should address CO concerns. I have reviewed this with OPA General Counsel and this is what he advises could be added.

As you and I have discussed, the "who says what" chart is written from the point of view that the contract is terminated.

This chart applies once the OPA actually sends a letter of termination to Eastern.

However, my understanding from OPA General Counsel is that it remains undecided whether this is the approach that will be taken. Another approach (which he believes will be the approach) is what we refer to as the "two step approach" whereby:

(1) First letter from the OPA to go to Eastern would say

- OPA continues to desire reaching a mutual agreement to terminate the contract and negotiate terms of a new contract for a facility in a different location
- If these negotiations are not successful, OPA will not proceed with the Contract

(2) Second letter would follow a few days later should negotiations continue to fail – that now the contract is terminated.

So – the attached chart does not address the two-step approach.

To address the two-step, you'd need to build in a Q and A something like following:

Q. Has the contract been terminated?

A. No, but should negotiations not be successful, the OPA has notified Eastern Power that it is not proceeding with the contract.

A. In the meantime, the OPA has requested Eastern Power to stop construction at the site.

Also please note: – there has been discussion today about the public release of the two letters – one from the OPA to the Minister and the expected letter from the Minister to the OPA (not yet sent). There needs to be a communications strategy developed pertaining to these two letters should it be desired to release them.

Thanks Sylvia

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
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E-mail: Halyna.Perun2@ontario.ca

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From: Kovesfalvi, Sylvia (ENERGY)
To: King, Ryan (ENERGY); Calwell, Carolyn (ENERGY)
Sent: Fri Nov 11 11:11:20 2011
Subject: ASAP

Hi - pls provide comment asap - thank you.

Sent from my BlackBerry Wireless Handheld

From: McMichael, Rhonda (CAB)
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Sent: Fri Nov 11 10:58:10 2011
Subject: Fw:

Hi Rula and Sylvia -- see below -- Giles changes to pass thru policy/legal and also answers to a couple of follow-up qs.
Thanks -- let me know if you have questions.

From: McMichael, Rhonda (CAB)
To: Gherson, Giles (CAB)
Cc: Lindsay, David (ENERGY); Betzner, Lynn (CAB)
Sent: Fri Nov 11 10:56:21 2011
Subject: Re:

Thanks Giles -- I think we'll need an answer to a follow-up question or two as well.

Does that mean work is going to stop immediately? What if it doesn't?

I'll work with Energy to craft.

From: Gherson, Giles (CAB)
To: McMichael, Rhonda (CAB)
Cc: Lindsay, David (ENERGY)
Sent: Fri Nov 11 10:03:14 2011
Subject: RE:

Thanks Rhonda,
I think this is all fine except for the response to the question about stopping work. I think it is far too weak. It reads:

We have notified Eastern that we are not proceeding with the contract. We will pursue further discussions about stopping work at the site.

I think we need to be messaging that we expect construction at this site to stop immediately while we pursue further discussions about relocating the plant.

Giles

416.325.3759 (o)
416.587.0983 (c)

From: McMichael, Rhonda (CAB)
Sent: November 11, 2011 6:32 AM
To: 'kristin.jenkins@powerauthority.on.ca'; 'colin.andersen@powerauthority.on.ca'; Lindsay, David (ENERGY); Wallace, Peter (FIN); Livingston, David (IO); 'abirchenough@cogeco.ca'; Mayman, Gadi (OFA); Imbrogno, Serge (OFA); Segal, Murray (JUS)

Cc: Gherson, Giles (CAB); Betzner, Lynn (CAB); Sharkawi, Rula (ENERGY); Hume, Steen (CAB)

Subject: Fw:

Please find attached revised q/a with OPA recommended changes, approved by Energy policy and legal.
(The attachments include both track changes and clean versions).

From: Kovesfalvi, Sylvia (ENERGY)

To: McMichael, Rhonda (CAB)

Cc: Sharkawi, Rula (ENERGY)

Sent: Thu Nov 10 20:57:46 2011

Subject:

Hi – attached are Legal's and policy's suggestions (in tracked version). See Legal's explanation below.

Also attached is a clean copy, accepting Legal, policy's and OPA's changes.

From: Calwell, Carolyn (ENERGY)

Sent: November 10, 2011 6:21 PM

To: Kovesfalvi, Sylvia (ENERGY)

Cc: King, Ryan (ENERGY)

Subject: FW: Urgent: 4:00 PM Meeting

Apologies for my delay – please see suggestions in the attached.

By way of explanation, rather than refer to the government's intention, proposed correspondence refers to the government's commitment to relocate the plant. Rather than say that the OPA "will seek further discussions" with Eastern, I would suggest that the "OPA will pursue" – which is a bit vaguer and more optimistic.

Carolyn

From: McMichael, Rhonda (CAB)

To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)

Sent: Thu Nov 10 16:01:05 2011

Subject: FW: 4:00 PM Meeting

Can you take a look and pass thru your legal? thanks.

From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]

Sent: November 10, 2011 3:22 PM

To: abirchenough@cogeco.ca; Colin Andersen; Lindsay, David (ENERGY); Michael Lyle; JoAnne Butler; Imbrogno, Serge (OFA); Mayman, Gadi (OFA); Segal, Murray (JUS); Livingston, David (IO); Betzner, Lynn (CAB); Wallace, Peter (FIN); Hume, Steen (CAB); McMichael, Rhonda (CAB)

Cc: Amaral-Costa, Maria (CAB)

Subject: RE: 4:00 PM Meeting

Attached are OPA's proposed revisions to the messaging and Qs and As circulated yesterday.

Kristin

Kristin Jenkins | Vice President, Corporate Communications | **Ontario Power Authority** | 120 Adelaide Street West, Suite 1600 | Toronto, ON M5H 1T1 | tel. 416.969.6007 | fax. 416.967.1947 | www.powerauthority.on.ca

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Fisher, Petra (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: November-12-11 2:42 PM
To: Lindsay, David (ENERGY)
Cc: Sharkawi, Rula (ENERGY)
Subject: Fw: ASAP
Attachments: QA - repudiationNov11OPA ENE Legal Policy.Tracked.Revisions -3pm.doc; QA - repudiationNov11OPA.ENE.Legal.Policy Revisions.CLEAN-3pm.doc

Hi Deputy - the attached went to CO yesterday aft - it will need to be finalized once we're clear whether OPA is proceeding w one step vs two-step approach - this was noted by Sylvia - I believe this would be the most up to date comms strategy we have - co took the lead on it til now - but you will see we noted that we need to anticipate that the opa and min's letters could be made public and we need a comms strategy for that. A huddle Mon morning would be a good idea - I could be available before that if needed -

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

Sent using BlackBerry

From: Kovesfalvi, Sylvia (ENERGY)
To: McMichael, Rhonda (CAB); Sharkawi, Rula (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Sent: Fri Nov 11 15:37:52 2011
Subject: ASAP

Hi –

See Legal's response below. There are several approaches under discussion – nothing has been decided yet. In light of this, we have added an additional question to the chart (also reflected in messaging), in case we take the two-step approach (OPA sends 1st letter saying we'd like to negotiate, pls stop work while we do so, followed by 2nd letter saying negotiations haven't been successful, you haven't stopped working, we are not proceeding with contract).

Note: the OPA has sent the Minister a letter (our legal folks haven't seen it). The Minister is expected to send OPA a letter in response. It has not been sent yet – and there's no definitive timeline.

There is discussion to release these letters publicly. If that happens, Legal has advised we'll need a coms strategy. I've indicated that content/objective of letters and method of release will determine coms strategy (Rhonda – have you seen letters? Is this something CO/Greenfield working group is discussing?)

Attached are two versions of the chart: tracked with OPA's suggested change as noted in Halyna's email and below, and the additional QA/messaging in case a 2-step approach is adopted.

We have notified Eastern that we are not proceeding with the contract and advised Eastern to stop construction. We have made it clear that Eastern is financially liable if construction continues. We will pursue further discussions about stopping work at the site.

Note: Legal has advised that only the OPA should communicate the reference to financial liability. So this is only in OPA's response track.

I'll be off-line for the next couple of hours (driving).

From: Perun, Halyna N. (ENERGY)
Sent: November 11, 2011 2:45 PM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: Calwell, Carolyn (ENERGY); King, Ryan (ENERGY)
Subject: RE: ASAP

Privileged and Confidential

Hi - Re CO's comment – the OPA added to this line:

We have notified Eastern that we are not proceeding with the contract and advised Eastern to stop construction. We have made it clear that Eastern is financially liable if construction continues. We will pursue further discussions about stopping work at the site.

So – that should address CO concerns. I have reviewed this with OPA General Counsel and this is what he advises could be added.

As you and I have discussed, the “who says what” chart is written from the point of view that the contract is terminated.

This chart applies once the OPA actually sends a letter of termination to Eastern.

However, my understanding from OPA General Counsel is that it remains undecided whether this is the approach that will be taken. Another approach (which he believes will be the approach) is what we refer to as the “two step approach” whereby:

- (1) First letter from the OPA to go to Eastern would say
 - OPA continues to desire reaching a mutual agreement to terminate the contract and negotiate terms of a new contract for a facility in a different location
 - If these negotiations are not successful, OPA will not proceed with the Contract
- (2) Second letter would follow a few days later should negotiations continue to fail – that now the contract is terminated.

So – the attached chart does not address the two-step approach.

To address the two-step, you'd need to build in a Q and A something like following:

Q. Has the contract been terminated?

A. No, but should negotiations not be successful, the OPA has notified Eastern Power that it is not proceeding with the contract.

A. In the meantime, the OPA has requested Eastern Power to stop construction at the site.

Also please note: – there has been discussion today about the public release of the two letters – one from the OPA to the Minister and the expected letter from the Minister to the OPA (not yet sent). There needs to be a communications strategy developed pertaining to these two letters should it be desired to release them.

Thanks Sylvia

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425

Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
BB: (416) 671-2607
E-mail: Halyna.Perun2@ontario.ca

Notice

This communication may be solicitor/client privileged and contain confidential information intended only for the person(s) to whom it is addressed. Any dissemination or use of this information by others than the intended recipient(s) is prohibited. If you have received this message in error please notify the writer and permanently delete the message and all attachments. Thank you.

From: Kovesfalvi, Sylvia (ENERGY)
To: King, Ryan (ENERGY); Calwell, Carolyn (ENERGY)
Sent: Fri Nov 11 11:11:20 2011
Subject: ASAP

Hi - pls provide comment asap - thank you.

Sent from my BlackBerry Wireless Handheld

From: McMichael, Rhonda (CAB)
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Sent: Fri Nov 11 10:58:10 2011
Subject: Fw:

Hi Rula and Sylvia -- see below -- Giles changes to pass thru policy/legal and also answers to a couple of follow-up qs. Thanks -- let me know if you have questions.

From: McMichael, Rhonda (CAB)
To: Gherson, Giles (CAB)
Cc: Lindsay, David (ENERGY); Betzner, Lynn (CAB)
Sent: Fri Nov 11 10:56:21 2011
Subject: Re:

Thanks Giles -- I think we'll need an answer to a follow-up question or two as well.

Does that mean work is going to stop immediately? What if it doesn't?

I'll work with Energy to craft.

From: Gherson, Giles (CAB)
To: McMichael, Rhonda (CAB)
Cc: Lindsay, David (ENERGY)
Sent: Fri Nov 11 10:03:14 2011
Subject: RE:

Thanks Rhonda,
I think this is all fine except for the response to the question about stopping work. I think it is far too weak. It reads:

We have notified Eastern that we are not proceeding with the contract. We will pursue further discussions about stopping work at the site.

I think we need to be messaging that we expect construction at this site to stop immediately while we pursue further discussions about relocating the plant.

Giles

416.325.3759 (o)

416.587.0983 (c)

From: McMichael, Rhonda (CAB)
Sent: November 11, 2011 6:32 AM
To: 'kristin.jenkins@powerauthority.on.ca'; 'colin.andersen@powerauthority.on.ca'; Lindsay, David (ENERGY); Wallace, Peter (FIN); Livingston, David (IO); 'abirchenough@cogeco.ca'; Mayman, Gadi (OFA); Imbrogno, Serge (OFA); Segal, Murray (JUS)
Cc: Gherson, Giles (CAB); Betzner, Lynn (CAB); Sharkawi, Rula (ENERGY); Hume, Steen (CAB)
Subject: Fw:

Please find attached revised q/a with OPA recommended changes, approved by Energy policy and legal.
(The attachments include both track changes and clean versions).

From: Kovesfalvi, Sylvia (ENERGY)
To: McMichael, Rhonda (CAB)
Cc: Sharkawi, Rula (ENERGY)
Sent: Thu Nov 10 20:57:46 2011
Subject:

Hi – attached are Legal's and policy's suggestions (in tracked version). See Legal's explanation below.

Also attached is a clean copy, accepting Legal, policy's and OPA's changes.

From: Calwell, Carolyn (ENERGY)
Sent: November 10, 2011 6:21 PM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: King, Ryan (ENERGY)
Subject: FW: Urgent: 4:00 PM Meeting

Apologies for my delay – please see suggestions in the attached.

By way of explanation, rather than refer to the government's intention, proposed correspondence refers to the government's commitment to relocate the plant. Rather than say that the OPA "will seek further discussions" with Eastern, I would suggest that the "OPA will pursue" – which is a bit vaguer and more optimistic.

Carolyn

From: McMichael, Rhonda (CAB)
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Sent: Thu Nov 10 16:01:05 2011
Subject: FW: 4:00 PM Meeting

Can you take a look and pass thru your legal? thanks.

From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]

Sent: November 10, 2011 3:22 PM

To: abirchenough@cogeco.ca; Colin Andersen; Lindsay, David (ENERGY); Michael Lyle; JoAnne Butler; Imbrogno, Serge (OFA); Mayman, Gadi (OFA); Segal, Murray (JUS); Livingston, David (IO); Betzner, Lynn (CAB); Wallace, Peter (FIN); Hume, Steen (CAB); McMichael, Rhonda (CAB)

Cc: Amaral-Costa, Maria (CAB)

Subject: RE: 4:00 PM Meeting

Attached are OPA's proposed revisions to the messaging and Qs and As circulated yesterday.

Kristin

Kristin Jenkins | Vice President, Corporate Communications | **Ontario Power Authority** | 120 Adelaide Street West, Suite 1600 | Toronto, ON M5H 1T1 | tel. 416.969.6007 | fax. 416.967.1947 | www.powerauthority.on.ca

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Greenfield Contract Termination (Repudiation)

November 11th, 2011 (3:30^{pm})

MEDIA PROTOCOL

Generally the Minister's Office responds to strategic questions and OPA responds to operational questions.

Strategic - Minister's Office (Minister or Erika Botond)

- Government's decision to relocate the plant
- Government's commitment to relocate the plant.

Operational - OPA (Colin Andersen or Kristen Jenkins)

- Status of contract negotiations, and process for finding another site
- History of Eastern site selection (required approvals, public consultation, etc).

Process

- The OPA immediately notifies the Ministry of Energy of any Greenfield-related media call (Communications Director, Media Manager and Spokesperson).
- The Ministry immediately notifies Minister's Office, Deputy Minister's Office, Legal and Cabinet Office.
- The OPA submits proposed responses; the ministry secures approvals (Cabinet Office, DMO, Legal, Policy).
- The Minister's Office confirms who responds and how (phone/email).

WHO SAYS WHAT – General Guidelines

	MINISTER	OPA
Key Messages	<p><u>If OPA sends letter to Eastern advising unsuccessful negotiations lead to termination (2-step approach)</u></p> <p><u>I understand the OPA has notified Eastern Power that it is not proceeding with the contract if negotiations are unsuccessful.</u></p> <p><u>In the meantime, the OPA has asked Eastern Power to stop construction at the site.</u></p> <p><u>If Contract is Terminated</u></p> <p>I understand that the OPA has had discussions with the proponent (Eastern Power). The OPA has notified Eastern that the OPA will not proceed with the contract.</p> <p>The OPA will look for another site for the gas plant.</p> <p>The government will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.</p>	<p><u>If OPA sends letter to Eastern advising unsuccessful negotiations lead to termination (2-step approach)</u></p> <p><u><i>We are in discussions with Eastern.</i></u></p> <p><u><i>We have notified them that we will not be proceeding with the contract if our negotiations are not successful.</i></u></p> <p><u><i>In the meantime, we have asked Eastern Power to stop construction at the site.</i></u></p> <p><u>If Contract is Terminated</u></p> <p><i>After pursuing discussions to reach a negotiated agreement, we have notified Eastern that the OPA will not proceed with the contract.</i></p> <p><i>We are seeking to continue discussions with Eastern on next steps. We cannot provide any additional information on these discussions at this time.</i></p> <p><i>We will look for another site for the gas plant.</i></p> <p><i>Once potential sites have been identified, the public will be consulted before a final decision is made.</i></p>

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<p>Contract Termination</p> <p><u>Has the contract been terminated?</u></p> <p>Who terminated the contract?</p> <p>Why was the contract terminated? Were other solutions not viable?</p> <p>Did the OPA terminate the contract at the government's request?</p> <p>Why wasn't the contract terminated sooner?</p> <p>If the OPA is terminating the contract, how can you get the company (Eastern) to work with the OPA to relocate</p>	<p>No, however if negotiations are not successful, but should negotiations not be successful, the OPA has notified Eastern Power that it is not proceeding with the contract. In the meantime, the OPA has requested has asked Eastern Power to stop construction at the site.</p> <p>Following discussions with Eastern Power, OPA decided not proceeding with the contract was an appropriate next step.</p> <p>Contract negotiations are commercially sensitive. These discussions are confidential. We are confident the OPA is working in the best interests of Ontarians.</p> <p>Following discussions with Eastern Power, OPA decided not proceeding with the contract was an appropriate next step</p> <p>Discussions began as soon as they could between OPA and Eastern. This decision is the result of those discussions.</p> <p>The OPA will pursue further discussions with Eastern Power and we expect them to find a satisfactory resolution.</p>	<p>A.</p> <p>No. We are in discussions with Eastern. We have notified them however that if our negotiations are not successful, we will not be proceeding with the contract. In the meantime, we have asked Eastern Power to stop construction at the site. In the meantime, the OPA has requested Eastern Power to stop construction at the site.</p> <p>After pursuing discussions to reach a negotiated agreement, we have notified Eastern that the OPA will not proceed with the contract.</p> <p>The government has been clear that its intention is to have the plant relocated. Given the government's intention, and following discussions with Eastern, OPA decided not proceeding with the contract was the appropriate next step.</p> <p>The government has been clear that it is committed relocating the plant. Given the government's commitment, and following discussions with Eastern, the OPA decided not proceeding with the contract was the appropriate next step</p> <p>We initiated discussions with Eastern Power as soon as we received the Minister's letter asking us to begin discussions. Not proceeding with the contract is the result of these discussions.</p>
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<p>the site?</p> <p>Will Eastern Power be the company to build the relocated plant? Do you have assurances from them on that?</p> <p>Will you put this back out to tender?</p> <p>What is the process for finding another site?</p>	<p>The OPA will pursue further discussions with Eastern Power to find a satisfactory resolution.</p> <p>The OPA will pursue further discussions with Eastern Power to find a satisfactory resolution.</p> <p>The OPA is best able to answer this. We can confirm that the site selection will include public consultation.</p>	<p><i>We will pursue further discussions with the proponent.</i></p> <p><i>We will pursue further discussions with Eastern Power and hope to reach a satisfactory resolution.</i></p> <p><i>We will pursue further discussions with Eastern Power and hope to reach a satisfactory resolution.</i></p> <p><i>This will require further consideration, but we will consider local generation needs and transmission and distribution support. Once options are identified, the public will be consulted.</i></p>
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<p><u>Construction</u></p> <p>Now that the OPA has terminated the contract, will work stop at the site?</p> <p>Will legislation be required to stop construction?</p> <p>Minister, your spokesperson said that legislation was not needed, is this true?</p>	<p>My understanding is that the OPA has notified the proponent that it is not proceeding with the contract. The OPA continues to have discussions about stopping work at the site.</p> <p>Legislation is an option, however, the best option, and the one we are choosing at this time, is to have the OPA work with Eastern Power to find satisfactory resolution.</p> <p>It is our expectation the OPA and Eastern Power will work together to find a satisfactory resolution.</p> <p>The best option, and the one we are choosing at this time, is to have the OPA work with Eastern Power to find satisfactory resolution to the site.</p>	<p><i>We have notified Eastern that we are not proceeding with the contract <u>and advised Eastern to stop construction. We have made it clear that Eastern is financially liable if construction continues.</u> We will pursue further discussions about stopping work at the site.</i></p> <p><i>The government is best able to answer that question.</i></p> <p><i>We will pursue further -discussions and hope to reach a satisfactory resolution.</i></p> <p><i>The government is best able to answer that question.</i></p>
<p><u>Contract Value</u></p> <p>Why should anyone want to contract with OPA or government after this?</p>	<p>The government and our agencies have successful track records for negotiating and fulfilling contracts in the best interest of Ontario taxpayers. This is a unique case and should not be used to apply to other contracts or issues.</p> <p>Like any other business, energy partners work together to respond to changing conditions. Contracts are renegotiated or terminated on</p>	<p><i>OPA has a successful track record for negotiating and fulfilling contracts in the best interest of Ontario ratepayers.</i></p> <p><i>This is a unique case and should not be used to apply to other contracts or issues.</i></p>

<p>What's the status of negotiations with TransCanada?</p> <p>Will the cost of these contract cancellations be made public knowledge at some time?</p>	<p>a small and large scale across businesses of all types.</p> <p>Discussions with TransCanada continue. We do not have an update at this time.</p> <p>Our government is committed to conducting business in an open and transparent manner. We will provide what we can when we can.</p>	<p><i>Discussions with TransCanada continue. We do not have an update at this time.</i></p> <p><i>Contracts are commercially sensitive. It is up to the proponent to determine what they are willing to make public and when.</i></p>
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Greenfield Contract Termination (Repudiation)
November 11, 2011 (3pm)

MEDIA PROTOCOL

Generally the Minister's Office responds to strategic questions and OPA responds to operational questions.

Strategic - Minister's Office (Minister or Erika Botond)

- Government's decision to relocate the plant
- Government's commitment to relocate the plant.

Operational - OPA (Colin Andersen or Kristen Jenkins)

- Status of contract negotiations, and process for finding another site
- History of Eastern site selection (required approvals, public consultation, etc).

Process

- The OPA immediately notifies the Ministry of Energy of any Greenfield-related media call (Communications Director, Media Manager and Spokesperson).
- The Ministry immediately notifies Minister's Office, Deputy Minister's Office, Legal and Cabinet Office.
- The OPA submits proposed responses; the ministry secures approvals (Cabinet Office, DMO, Legal, Policy).
- The Minister's Office confirms who responds and how (phone/email).

WHO SAYS WHAT – General Guidelines

	MINISTER	OPA
Key Messages	<p>I understand that the OPA has had discussions with the proponent (Eastern Power). The OPA has notified Eastern that the OPA will not proceed with the contract.</p> <p>The OPA will look for another site for the gas plant.</p> <p>The government will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.</p>	<p><i>After pursuing discussions to reach a negotiated agreement, we have notified Eastern that the OPA will not proceed with the contract.</i></p> <p><i>We are seeking to continue discussions with Eastern on next steps. We cannot provide any additional information on these discussions at this time.</i></p> <p><i>We will look for another site for the gas plant.</i></p> <p><i>Once potential sites have been identified, the public will be consulted before a final decision is made.</i></p>
<p><u>Contract Termination</u></p> <p>Has the contract been terminated?</p> <p>Who terminated the contract?</p> <p>Why was the contract terminated? Were other solutions not viable?</p>	<p>No, however if negotiations are not successful, the OPA has notified Eastern Power that it is not proceeding with the contract. In the meantime, the OPA has asked Eastern Power to stop construction at the site.</p> <p>Following discussions with Eastern Power, OPA decided not proceeding with the contract was an appropriate next step.</p> <p>Contract negotiations are commercially sensitive. These discussions are confidential. We are confident the OPA is working in the best interests of Ontarians.</p>	<p>No. We are in discussions with Eastern. We have notified them however that if our negotiations are not successful, we will not be proceeding with the contract. In the meantime, we have asked Eastern Power to stop construction at the site.</p> <p><i>After pursuing discussions to reach a negotiated agreement, we have notified Eastern that the OPA will not proceed with the contract.</i></p> <p><i>The government has been clear that its intention is to have the plant relocated. Given the government's intention, and following discussions with Eastern, OPA decided not proceeding with the contract was the appropriate next step.</i></p>

<p>Did the OPA terminate the contract at the government's request?</p> <p>Why wasn't the contract terminated sooner?</p> <p>If the OPA is terminating the contract, how can you get the company (Eastern) to work with the OPA to relocate the site?</p> <p>Will Eastern Power be the company to build the relocated plant? Do you have assurances from them on that?</p> <p>Will you put this back out to tender?</p> <p>What is the process for finding another site?</p>	<p>Following discussions with Eastern Power, OPA decided not proceeding with the contract was an appropriate next step</p> <p>Discussions began as soon as they could between OPA and Eastern. This decision is the result of those discussions.</p> <p>The OPA will pursue further discussions with Eastern Power and we expect them to find a satisfactory resolution.</p> <p>The OPA will pursue further discussions with Eastern Power to find a satisfactory resolution.</p> <p>The OPA will pursue further discussions with Eastern Power to find a satisfactory resolution.</p> <p>The OPA is best able to answer this. We can confirm that the site selection will include public consultation.</p>	<p><i>The government has been clear that it is committed relocating the plant. Given the government's commitment, and following discussions with Eastern, the OPA decided not proceeding with the contract was the appropriate next step</i></p> <p><i>We initiated discussions with Eastern Power as soon as we received the Minister's letter asking us to begin discussions. Not proceeding with the contract is the result of these discussions.</i></p> <p><i>We will pursue further discussions with the proponent.</i></p> <p><i>We will pursue further discussions with Eastern Power and hope to reach a satisfactory resolution.</i></p> <p><i>We will pursue further discussions with Eastern Power and hope to reach a satisfactory resolution.</i></p> <p><i>This will require further consideration, but we will consider local generation needs and transmission and distribution support. Once options are identified, the public will be consulted.</i></p>
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<p><u>Construction</u></p> <p>Now that the OPA has terminated the contract, will work stop at the site?</p> <p>Will legislation be required to stop construction?</p> <p>Minister, your spokesperson said that legislation was not needed, is this true?</p>	<p>My understanding is that the OPA has notified the proponent that it is not proceeding with the contract. The OPA continues to have discussions about stopping work at the site.</p> <p>Legislation is an option, however, the best option, and the one we are choosing at this time, is to have the OPA work with Eastern Power to find satisfactory resolution.</p> <p>It is our expectation the OPA and Eastern Power will work together to find a satisfactory resolution.</p> <p>The best option, and the one we are choosing at this time, is to have the OPA work with Eastern Power to find satisfactory resolution to the site.</p>	<p><i>We have notified Eastern that we are not proceeding with the contract and advised Eastern to stop construction. We have made it clear that Eastern is financially liable if construction continues. We will pursue further discussions about stopping work at the site.</i></p> <p><i>The government is best able to answer that question.</i></p> <p><i>We will pursue further discussions and hope to reach a satisfactory resolution.</i></p> <p><i>The government is best able to answer that question.</i></p>
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Fisher, Petra (ENERGY)

From: Lindsay, David (ENERGY)
Sent: November-12-11 2:50 PM
To: MacLennan, Craig (ENERGY)
Cc: Silva, Joseph (ENERGY); Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY)
Subject: Fw: ASAP
Attachments: QA - repudiationNov11OPA ENE Legal Policy.Tracked.Revisions -3pm.doc; QA - repudiationNov11OPA.ENE.Legal.Policy Revisions.CLEAN-3pm.doc

Duplicate attachments removed

Hi Craig,

Just received this update from Halyna at legal on the communications preparations to date. I have asked Rula and the team to get ready for a new wave of media interest.

David

From: Perun, Halyna N. (ENERGY)
To: Lindsay, David (ENERGY)
Cc: Sharkawi, Rula (ENERGY)
Sent: Sat Nov 12 14:42:22 2011
Subject: Fw: ASAP

Hi Deputy - the attached went to CO yesterday aft - it will need to be finalized once we're clear whether OPA is proceeding w one step vs two-step approach - this was noted by Sylvia - I believe this would be the most uptodate comms strategy we have - co took the lead on it til now - but you will see we noted that we need to anticipate that the opa and min's letters could be made public and we need a comms strategy for that. A huddle Mon morning would be a good idea - I could be available before that if needed -

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

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Sent: November 11, 2011 2:45 PM
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Cc: Calwell, Carolyn (ENERGY); King, Ryan (ENERGY)
Subject: RE: ASAP

Privileged and Confidential

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We have notified Eastern that we are not proceeding with the contract and advised Eastern to stop construction. We have made it clear that Eastern is financially liable if construction continues. We will pursue further discussions about stopping work at the site.

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This chart applies once the OPA actually sends a letter of termination to Eastern.

However, my understanding from OPA General Counsel is that it remains undecided whether this is the approach that will be taken. Another approach (which he believes will be the approach) is what we refer to as the “two step approach” whereby:

- (1) First letter from the OPA to go to Eastern would say
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So – the attached chart does not address the two-step approach.

To address the two-step, you'd need to build in a Q and A something like following:

Q. Has the contract been terminated?

A. No, but should negotiations not be successful, the OPA has notified Eastern Power that it is not proceeding with the contract.

A. In the meantime, the OPA has requested Eastern Power to stop construction at the site.

Also please note: – there has been discussion today about the public release of the two letters – one from the OPA to the Minister and the expected letter from the Minister to the OPA (not yet sent). There needs to be a communications strategy developed pertaining to these two letters should it be desired to release them.

Thanks Sylvia

Halyna

Halyna N. Perun
A/Director
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Ministries of Energy & Infrastructure
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From: Kovesfalvi, Sylvia (ENERGY)
To: King, Ryan (ENERGY); Calwell, Carolyn (ENERGY)
Sent: Fri Nov 11 11:11:20 2011
Subject: ASAP

Hi - pls provide comment asap - thank you.

Sent from my BlackBerry Wireless Handheld

From: McMichael, Rhonda (CAB)
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Sent: Fri Nov 11 10:58:10 2011
Subject: Fw:

Hi Rula and Sylvia -- see below -- Giles changes to pass thru policy/legal and also answers to a couple of follow-up qs. Thanks -- let me know if you have questions.

From: McMichael, Rhonda (CAB)
To: Gherson, Giles (CAB)
Cc: Lindsay, David (ENERGY); Betzner, Lynn (CAB)
Sent: Fri Nov 11 10:56:21 2011
Subject: Re:

Thanks Giles -- I think we'll need an answer to a follow-up question or two as well.

Does that mean work is going to stop immediately? What if it doesn't?

I'll work with Energy to craft.

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To: McMichael, Rhonda (CAB)
Cc: Lindsay, David (ENERGY)
Sent: Fri Nov 11 10:03:14 2011
Subject: RE:

Thanks Rhonda,

I think this is all fine except for the response to the question about stopping work. I think it is far too weak. It reads:

We have notified Eastern that we are not proceeding with the contract. We will pursue further discussions about stopping work at the site.

I think we need to be messaging that we expect construction at this site to stop immediately while we pursue further discussions about relocating the plant.

Giles

416.325.3759 (o)

416.587.0983 (c)

From: McMichael, Rhonda (CAB)
Sent: November 11, 2011 6:32 AM
To: 'kristin.jenkins@powerauthority.on.ca'; 'colin.andersen@powerauthority.on.ca'; Lindsay, David (ENERGY); Wallace, Peter (FIN); Livingston, David (IO); 'abirchenough@cogeco.ca'; Mayman, Gadi (OFA); Imbrogno, Serge (OFA); Segal, Murray (JUS)
Cc: Gherson, Giles (CAB); Betzner, Lynn (CAB); Sharkawi, Rula (ENERGY); Hume, Steen (CAB)
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Please find attached revised q/a with OPA recommended changes, approved by Energy policy and legal.
(The attachments include both track changes and clean versions).

From: Kovesfalvi, Sylvia (ENERGY)
To: McMichael, Rhonda (CAB)
Cc: Sharkawi, Rula (ENERGY)
Sent: Thu Nov 10 20:57:46 2011
Subject:

Hi – attached are Legal's and policy's suggestions (in tracked version). See Legal's explanation below.

Also attached is a clean copy, accepting Legal, policy's and OPA's changes.

From: Calwell, Carolyn (ENERGY)
Sent: November 10, 2011 6:21 PM
To: Kovesfalvi, Sylvia (ENERGY)

Cc: King, Ryan (ENERGY)
Subject: FW: Urgent: 4:00 PM Meeting

Apologies for my delay – please see suggestions in the attached.

By way of explanation, rather than refer to the government's intention, proposed correspondence refers to the government's commitment to relocate the plant. Rather than say that the OPA "will seek further discussions" with Eastern, I would suggest that the "OPA will pursue" – which is a bit vaguer and more optimistic.

Carolyn

From: McMichael, Rhonda (CAB)
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Sent: Thu Nov 10 16:01:05 2011
Subject: FW: 4:00 PM Meeting

Can you take a look and pass thru your legal? thanks.

From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]
Sent: November 10, 2011 3:22 PM
To: abirchenough@cogeco.ca; Colin Andersen; Lindsay, David (ENERGY); Michael Lyle; JoAnne Butler; Imbrogno, Serge (OFA); Mayman, Gadi (OFA); Segal, Murray (JUS); Livingston, David (IO); Betzner, Lynn (CAB); Wallace, Peter (FIN); Hume, Steen (CAB); McMichael, Rhonda (CAB)
Cc: Amaral-Costa, Maria (CAB)
Subject: RE: 4:00 PM Meeting

Attached are OPA's proposed revisions to the messaging and Qs and As circulated yesterday.

Kristin

Kristin Jenkins | Vice President, Corporate Communications | **Ontario Power Authority** | 120 Adelaide Street West, Suite 1600 | Toronto, ON M5H 1T1 | tel. 416.969.6007 | fax. 416.967.1947 | www.powerauthority.on.ca

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Fisher, Petra (ENERGY)

From: Silva, Joseph (ENERGY)
Sent: November-12-11 3:09 PM
To: Lindsay, David (ENERGY); Perun, Halyna N. (ENERGY)
Cc: Sharkawi, Rula (ENERGY)
Subject: Re: ASAP

Thanks Deputy.

Halyna, Rula - the DM will be attending an advisory panel meeting on Monday AM. We'll look to set a slot for a huddle sometime on Monday when DM is back. In the interim, Rula - Jess or I will try and touch base with you on Monday.

Joseph

Sent using BlackBerry Wireless

From: Lindsay, David (ENERGY)
To: Perun, Halyna N. (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Silva, Joseph (ENERGY)
Sent: Sat Nov 12 14:46:52 2011
Subject: Re: ASAP

Okay thanks Halyna.

Rula would you take the lead on coordinating our Minister's preparation for the media frenzy I believe we are about to enter.

Joseph and our shop can help coordinate.

David

From: Perun, Halyna N. (ENERGY)
To: Lindsay, David (ENERGY)
Cc: Sharkawi, Rula (ENERGY)
Sent: Sat Nov 12 14:42:22 2011
Subject: Fw: ASAP

Hi Deputy - the attached went to CO yesterday aft - it will need to be finalized once we're clear whether OPA is proceeding w one step vs two-step approach - this was noted by Sylvia - I believe this would be the most uptodate comms strategy we have - co took the lead on it til now - but you will see we noted that we need to anticipate that the opa and min's letters could be made public and we need a comms strategy for that. A huddle Mon morning would be a good idea - I could be available before that if needed -

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

Sent using BlackBerry

From: Kovesfalvi, Sylvia (ENERGY)
To: McMichael, Rhonda (CAB); Sharkawi, Rula (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Sent: Fri Nov 11 15:37:52 2011
Subject: ASAP

Hi –

See Legal's response below. There are several approaches under discussion – nothing has been decided yet. In light of this, we have added an additional question to the chart (also reflected in messaging), in case we take the two-step approach (OPA sends 1st letter saying we'd like to negotiate, pls stop work while we do so, followed by 2nd letter saying negotiations haven't been successful, you haven't stopped working, we are not proceeding with contract).

Note: the OPA has sent the Minister a letter (our legal folks haven't seen it). The Minister is expected to send OPA a letter in response. It has not been sent yet – and there's no definitive timeline.

There is discussion to release these letters publicly. If that happens, Legal has advised we'll need a coms strategy. I've indicated that content/objective of letters and method of release will determine coms strategy (Rhonda – have you seen letters? Is this something CO/Greenfield working group is discussing?)

Attached are two versions of the chart: tracked with OPA's suggested change as noted in Halyna's email and below, and the additional QA/messaging in case a 2-step approach is adopted.

We have notified Eastern that we are not proceeding with the contract and advised Eastern to stop construction. We have made it clear that Eastern is financially liable if construction continues. We will pursue further discussions about stopping work at the site.

Note: Legal has advised that only the OPA should communicate the reference to financial liability. So this is only in OPA's response track.

I'll be off-line for the next couple of hours (driving).

From: Perun, Halyna N. (ENERGY)
Sent: November 11, 2011 2:45 PM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: Calwell, Carolyn (ENERGY); King, Ryan (ENERGY)
Subject: RE: ASAP

Privileged and Confidential

Hi - Re CO's comment – the OPA added to this line:

We have notified Eastern that we are not proceeding with the contract and advised Eastern to stop construction. We have made it clear that Eastern is financially liable if construction continues. We will pursue further discussions about stopping work at the site.

So – that should address CO concerns. I have reviewed this with OPA General Counsel and this is what he advises could be added.

As you and I have discussed, the “who says what” chart is written from the point of view that the contract is terminated.

This chart applies once the OPA actually sends a letter of termination to Eastern.

However, my understanding from OPA General Counsel is that it remains undecided whether this is the approach that will be taken. Another approach (which he believes will be the approach) is what we refer to as the “two step approach” whereby:

(1) First letter from the OPA to go to Eastern would say

- OPA continues to desire reaching a mutual agreement to terminate the contract and negotiate terms of a new contract for a facility in a different location
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Thanks Sylvia

Halyna

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Kristin

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Fisher, Petra (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: November-12-11 6:11 PM
To: 'chrisbentley@liberal.ola.org'; MacLennan, Craig (ENERGY)
Cc: Lindsay, David (ENERGY)
Subject: Fw: OPA letter to the Minister - the latest draft

Privileged and Confidential

The text of the letter from the OPA to the Minister is in email below that I sent Malliha - please let me know if you need anything else (I had sent this yesterday)

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

Sent using BlackBerry

From: Perun, Halyna N. (ENERGY)
To: Wilson, Malliha (JUS)
Sent: Fri Nov 11 13:18:49 2011
Subject: OPA letter to the Minister - the latest draft

Privileged and Confidential

This is the draft we landed on – we have not seen the actual signed version that was sent to the Minister yesterday:

Dear Minister:

I am writing to you on behalf of the Ontario Power Authority's (OPA) Board of Directors with respect to the Greenfield South Power Plant, which the Ministry of Energy procured in 2004. The OPA was subsequently directed to enter into a contract with Greenfield and is now the sole counterparty. The Board clearly understands that the government's intention is to relocate the plant as outlined in your letter to the OPA on October 24, 2011. The purpose of this letter is to ensure that the government's intention is met.

The OPA Board of Directors takes very seriously its responsibilities to our contract counter-parties. Like the provincial government, we would like to achieve a resolution for the Greenfield South plant that provides both fair treatment to the counterparty and Ontario ratepayers. We also think it is important that electricity developers generally continue to have confidence to invest in Ontario and that gas-fired generation continues to be accepted as an important, cost-effective and safe part of the province's electricity supply mix. At the same time, we recognize the public concern about the location of this plant and public requests that construction of the plant stop.

After receiving your October 24th letter, the OPA commenced discussions with Greenfield South. To date, the OPA's preferred approach has been to reach an agreement with Greenfield South to stop construction and negotiate an arrangement to relocate the plant or terminate the contract. Since then, it has become clear that Greenfield South may not agree to such an approach. In light of this, the logical next step appears to be to notify Greenfield South that the OPA will not be proceeding with the contract.

I wish to assure you that, even after taking this step, the OPA will seek to continue discussions with Greenfield South to arrive at an agreement on appropriate compensation. Given our shared interest in ratepayer value, the board would then also like to commence a dialogue with you on the most appropriate way to allocate the compensation between the OPA and the Crown.

I look forward to your reply.

Halyna

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Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November-13-11 4:52 PM
To: Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Calwell, Carolyn (ENERGY); King, Ryan (ENERGY); Gemmiti, Paola (MAA); McMichael, Rhonda (CAB)
Subject: Updated QA
Attachments: Greenfield - Messages and Qs and As.Oct27.doc; QA - repudiationNov13(letter release).COMS.CLEAN.4pm.doc

Hi all –

Attached is an updated QA with key messaging for three scenarios:

- Scenario A - If two-step process is selected
- Scenario B - If contract is terminated
- Scenario C - If contract is terminated and OPA/Minister letters become public **(NEW)***

Have also added new questions (under “**letter**”) that might come up if letters become public (what does/do this letter(s) mean? Are these letters/decisions precedent-setting? and repeated earlier Q’s about what happens if developer keeps building, options to stop, potential cost. length of negotiations). *Apologies for not providing tracked version – for some reason the function is not working on my computer today.*

Note – we have been calling them Eastern throughout QA to this point, but OPA refers to them as Greenfield South in their letter. Let me know and I’ll revise accordingly.

Also attached for your reference are the general QA prepared a few weeks back.

**Greenfield South Power Plant
KM/QA
Draft Two – October 27, 2011**

KEY MESSAGES

- Our government is committed to relocating the natural gas plant originally planned for Mississauga.
- That's why I sent a letter to the CEO of the OPA asking him to begin discussions with Eastern Power to find a new location for the site.
- It's our expectation the OPA and Eastern Power will work together to find a **satisfactory resolution to the Mississauga site.**
- As the OPA proceeds with their discussions, we will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority

QUESTIONS AND ANSWERS

STATUS

Why is work proceeding if the plant is being moved?

Our government is committed to finding a satisfactory resolution to the natural gas plant originally planned for Mississauga.

The first step is holding discussions with Eastern Power. I have asked the OPA, as the contract holder, to begin discussions with Eastern Power to find a satisfactory resolution to the site.

Why don't you stop construction while discussions are ongoing?

The first step is holding discussions with Eastern Power. I have asked the OPA, as the contract holder, to begin discussions with Eastern Power to find a satisfactory resolution to the site.

When did construction start?

Construction started in May 2011.

Why hasn't construction stopped?

Again, the first step is holding discussions with Eastern Power. I have asked the OPA to begin discussions with Eastern Power to find a satisfactory resolution to the site

What if Eastern Power does not agree to discussions and continues construction?

It's our expectation the OPA and Eastern Power will work together to find a satisfactory resolution to the site.

Will you issue a stop-order?

I have asked the OPA to begin discussions with Eastern Power to find a satisfactory resolution to the site.

It's our expectation the OPA and Eastern Power will work together to find a satisfactory resolution to the site.

As the OPA proceeds with their discussions, we will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.

Will it require legislation to cancel it?

At this time, the OPA, as the contract holder, will begin discussions with Eastern Power to find a satisfactory resolution to the site.

It's our expectation the OPA and Eastern Power will work together to find a satisfactory resolution to the site.

But if talks break down, is legislation an option?

The first step is holding discussions with Eastern Power.

It's our expectation the OPA and Eastern Power will work together to find a satisfactory resolution to the site.

Legislation is an option, however, the best option, and the one we are choosing at this time, is to have the OPA work with Eastern Power to find satisfactory resolution to the site

Minister, your spokesperson said that legislation was not needed, is this true?

The best option, and the one we are choosing at this time, is to have the OPA work with Eastern Power to find satisfactory resolution to the site.

That's why I sent a letter to the CEO of the OPA asking him to begin discussions with Eastern Power to find a satisfactory resolution to the site.

NEGOTIATIONS

What stage are discussions at with the company? Have you personally spoken to them?

I have asked the OPA, as the contract holder, to begin discussions.

Who is negotiating with the company on behalf of the province? Is it the OPA?

I have asked OPA, as the contract holder, to begin discussions.

Will Eastern Power be the company to build the relocated plant? Do you have assurances from them on that?

At this time, the OPA will begin discussions with Eastern Power to find a satisfactory resolution to the site.

Will you put this back out to tender?

At this time, the OPA will begin discussions with Eastern Power to find a satisfactory resolution to the site.

It's our expectation the OPA and Eastern Power will work together to find a satisfactory resolution to the site.

What is the process for cancelling the project?

At this time, the OPA will begin discussions with Eastern Power to find a satisfactory resolution to the site.

It's our expectation the OPA and Eastern Power will work together to find a satisfactory resolution to the site.

COST

Isn't the price going up as long as construction continues?

Many issues will be considered in the discussions.

How much is it going to cost to relocate this plant?

I have asked the OPA to begin discussions with Eastern Power to find a satisfactory resolution to the site. I'm hopeful that this will be resolved fairly and in the best interests of ratepayers.

How much would it have cost to move the plant when the intent to relocate was first announced in late September, 2011?

Many issues will be considered in the discussions.

Is the company just trying to get as much as they can from a settlement?

I'm hopeful that this will be resolved fairly and in the best interests of ratepayers.

Will the cost be made public knowledge at some time?

Our government is committed to conducting business in an open and transparent manner.

How long do you expect negotiations to take and how much will this cost taxpayers?

The first step is holding discussions with Eastern Power. We have asked the OPA to begin discussions with Eastern Power.

It's our expectation the OPA and Eastern Power will work together to find a satisfactory resolution to the site.

RELOCATION

What are the alternative locations being considered?

The first step is holding discussions with Eastern Power. We have asked the OPA to begin discussions with Eastern Power to find a satisfactory resolution to the site.

Will it be in Mississauga?

The first step is holding discussions with Eastern Power.

Why not build the natural gas plant in Nanticoke instead? They've indicated they're a willing host community.

The first step is holding discussions with Eastern Power. We have asked the OPA to begin discussions with Eastern Power to find a satisfactory resolution to the site.

Will the public be consulted?

Yes.

LOCAL SUPPLY AND RELIABILITY

Will this jeopardize power supply in the area?

We are in an excellent supply situation in Ontario. The OPA will examine what options are available including transmission options to ensure reliability.

How delayed will this plant be now and do we have enough power in the interim to meet demand?

As I have said, the first step is holding discussions with Eastern Power.

We are in an excellent supply situation in Ontario. The OPA will examine what options are available, including transmission options, to ensure reliability.

How often will the new plant operate?

Actual operation of an alternate plant will depend on several factors including weather, local system conditions, demands on the electricity system and the availability of other sources of power.

So we know for sure it will be a gas plant – and not additional transmission or other resources, such as renewable energy and conservation – that will replace this plant?

We are in an excellent supply situation in Ontario. The OPA will examine what options are available, including transmission options, to ensure reliability.

What about the transmission solution? When the Oakville plant was cancelled you said a transmission solution can ensure the area will have enough electricity.

We are in an excellent supply situation in Ontario. The OPA will examine what options are available, including transmission options, to ensure reliability.

Will a natural gas plant be built in the Kitchener-Waterloo-Cambridge-Guelph area?

As indicated in the Long-Term Energy Plan the procurement of a natural gas plant in the Kitchener-Waterloo-Cambridge area is necessary.

The Kitchener-Waterloo-Cambridge area is a major automotive and high-tech centre and is experiencing rapid population and economic growth. Peak demand has been increasing at a rate double the provincial average. The region is host to several data centres that require a reliable power supply.

How many natural gas plants are there already operating in the GTA?

There are four major plants:

- The 550-megawatt Portlands Energy Centre near downtown Toronto
- The 874-megawatt Goreway Station in Brampton
- The 683-megawatt Halton Hills Generating Station
- A 117-megawatt cogeneration plant at the Toronto International Airport in Mississauga

In addition there are a number of smaller natural gas generating plants operating in industry, and in commercial and institutional complexes, including universities and hospitals, including:

- A 68-megawatt facility at the Ottawa Health Sciences Centre
- A 6.6-megawatt facility at Brock University in St. Catharines
- A 2.3-megawatt district energy facility at [Durham College in Oshawa](#)
- A 12-megawatt [cogeneration facility in London](#)
- A 5-megawatt cogeneration facility in [Sudbury](#)
- A 6.7-megawatt cogeneration facility at Sudbury hospital

WHAT RELOCATING GREENFIELD MEANS FOR OTHER PROJECTS

Are there other power projects set to break ground that you may reconsider?

This is a case and location-specific issue and is not applicable to any other issue.

You said that about Mississauga, after you cancelled Oakville. How can we trust that you won't cave to pressure the next time?

Like any other business, energy partners work together to respond to changing conditions.

This is a case and location-specific issue and is not applicable to any other issue.

Communities object to wind power yet you won't budge. This is two gas plants you have cancelled. Why the double-standard?

The government has heard the community's concerns about this plant proceeding as originally planned prompting our intention to relocate the plant. There is no reason to try and juxtapose this case with other generation projects.

Does this speak to a need to have a more independent, arms-length process?

This is a case and location-specific issue and is not applicable to any other issue. We will continue to work collaboratively with all parties involved.

Will you reconsider new gas set-backs or a new siting process for plants of any kind?

We are investigating how siting is dealt with in other jurisdictions but are still in the preliminary research stage.

What is the status of negotiations with TransCanada over the cancellation of the Oakville plant?

We are in discussions with TransCanada, and do not have an update at this time.

GENERAL BACKGROUND

- Greenfield South Generating Station is a 280-megawatt combined cycle natural gas plant located in the City of Mississauga on a 4.5 hectare property at 2315 Loreland Avenue. The plant will occupy roughly 2 hectares of the property.
- The plant is 700 metres from the Trillium Health Centre and 1.1 km from the nearest school (Isna Elementary School). The nearest block of homes is about 250 metres south of the site.
- The plant was selected in the Ministry of Energy Clean Energy Supply competition in 2005 and holds a contract with the Ontario Power Authority (OPA).
- The plant's original planned commercial operation date was 2009.
- Approval delays resulting from City of Mississauga opposition to the project at the environmental approval and building permitting stages harmed the economic viability

of the project. The contract between Greenfield South Power Corporation and the OPA was renegotiated, and the commercial operation date has been extended to September 1, 2014.

- The project obtained zoning approval in 2007 and environmental approval in 2008.
- The OPA was advised on May 31, 2011, that the company has received its building permit for the plant. The company is moving equipment to the site, and excavation and foundation work is expected to start in early July.
- The site is located in a predominantly industrial area. It is bounded by a railway line, a transmission corridor and the Queen Elizabeth Way.
- The Ontario Municipal Board reviewed municipal planning and zoning and determined that the site was properly zoned and suitable for this type of electricity generation facility.
- In October 2011, the Minister of Energy wrote to the OPA asking them to begin discussions with Eastern Power to find an alternate location for the Greenfield South Plant.

Note:

In April 2005, Eastern Power was awarded contracts for two 280 MW natural gas plants – one for Greenfield South and one for Greenfield North (Huronario St. north of Derry Rd.). In August 2005, Greenfield North contract terminated under a mutual agreement between the OPA and Eastern Power because Eastern Power was not able to obtain financing. The Greenfield South contract remained in place. At the time, Eastern Power said it preferred the Greenfield South site because it was better for natural gas supply and electrical connection and the area was zoned for industrial activity, including power generation.

Greenfield Contract Termination (Repudiation)
November 13, 2011 (4pm)

MEDIA PROTOCOL

Generally the Minister's Office responds to strategic questions and OPA responds to operational questions.

Strategic - Minister's Office (Minister or Erika Botond)

- Government's decision to relocate the plant
- Government's commitment to relocate the plant.

Operational - OPA (Colin Andersen or Kristen Jenkins)

- Status of contract negotiations, and process for finding another site
- History of Eastern site selection (required approvals, public consultation, etc).

Process

- The OPA immediately notifies the Ministry of Energy of any Greenfield-related media call (Communications Director, Media Manager and Spokesperson).
- The Ministry immediately notifies Minister's Office, Deputy Minister's Office, Legal and Cabinet Office.
- The OPA submits proposed responses; the ministry secures approvals (Cabinet Office, DMO, Legal, Policy).
- The Minister's Office confirms who responds and how (phone/email).

WHO SAYS WHAT – General Guidelines

	MINISTER	OPA
Key Messages	<p><u>SCENARIO A - If OPA sends letter to Eastern advising unsuccessful negotiations lead to termination (2-step approach)</u></p> <p>I understand the OPA has notified Eastern Power that it is not proceeding with the contract if negotiations are unsuccessful.</p> <p>In the meantime, the OPA has asked Eastern Power to stop construction at the site.</p> <p><u>SCENARIO B - If Contract is Terminated</u></p> <p>I understand the OPA has had discussions with the proponent (Eastern Power). The OPA has notified Eastern that the OPA will not proceed with the contract.</p> <p>The OPA will look for another site for the gas plant.</p> <p>The government will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.</p>	<p><i>We are in discussions with Eastern.</i></p> <p><i>We have notified them that we will not be proceeding with the contract if our negotiations are not successful.</i></p> <p><i>In the meantime, we have asked Eastern Power to stop construction at the site.</i></p> <p><i>After pursuing discussions to reach a negotiated agreement, we have notified Eastern that the OPA will not proceed with the contract.</i></p> <p><i>We are seeking to continue discussions with Eastern on next steps. We cannot provide any additional information on these discussions at this time.</i></p> <p><i>We will look for another site for the gas plant.</i></p> <p><i>Once potential sites have been identified, the public will be consulted before a final decision is made.</i></p>

<p>Letters</p> <p>What does/do these letters mean?</p>	<p><u>SCENARIO C – If letter/letters become public</u></p> <p>Despite OPA's best efforts, a successful negotiation could not be reached.</p> <p>OPA has recommended that the contract be stopped and we support their recommendation.</p> <p>The government is committed to relocating this plant. It is in the ratepayer's interest to stop construction of this plant as soon as possible.</p> <p>It is also in the interest of Ontario's economy to settle as quickly as possible. We need to reassure electricity developers and investors that Ontario remains a good place to make energy investments.</p> <p>Gas-fired generation is an important and cost-effective role in building a cleaner, more modern electricity system that meets Ontario's energy needs.</p> <p>The government remains committed to providing a strong, stable supply of electricity for Ontario. We also remain committed to providing support to those making investments in Ontario's electricity system.</p> <p>The government will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.</p> <p><i>It/they mean the government supports OPA's recommendation to terminate the contract with Eastern Power.</i></p>	<p><i>Despite our best efforts, a successful negotiation could not be reached.</i></p> <p><i>We have recommended that the contract be stopped and appreciate the government's support.</i></p> <p><i>The government is committed to relocating this plant. It is in the ratepayer's interest to stop construction of this plant as soon as possible.</i></p> <p><i>It is also in the interest of Ontario's economy to settle as quickly as possible. We need to reassure electricity developers and investors that Ontario remains a good place to make energy investments.</i></p> <p><i>Gas-fired generation is an important and cost-effective role in building a cleaner, more modern electricity system that meets Ontario's energy needs.</i></p> <p><i>We share the government's commitment to ratepayer value.</i></p> <p><i>We hope to continue discussions with the developer to arrive at a settlement fair to all parties.</i></p> <p><i>It/they mean negotiations had stalled and the OPA recognized the best next step for all parties involved – ratepayers, the developer and OPA – was to terminate the contract. The OPA recommended terminating the contract and the government indicated their support.</i></p>
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Does this mean construction stops immediately?	That is what the OPA asked and that is our expectation.	<i>That is what we asked and that is our expectation.</i>
What kind of penalty does the developer face if they don't stop construction?	This is commercially sensitive information – but there is a significant financial penalty.	<i>This is commercially sensitive information; however the developer has been made aware that they will incur severe(?) financial penalties if construction continues.</i>
Why did negotiations fail?	The OPA and the developer could not reach an agreement to stop construction.	<i>We could not reach an agreement with the developer to stop construction.</i>
How long did the OPA give it? How extensive have the discussions been?	I understand the OPA and developer have been meeting frequently for the past few weeks.	<i>We have been meeting frequently with the developer for the past few weeks.</i>
There's been strong and persistent opposition in other communities – Northern York Region for example, yet those plants are proceeding. Why are you stopping this one?	This is a unique case and these circumstances do not apply to other contracts or issues.	<i>This is a unique case and these circumstances do not apply to other contracts or issues.</i>
What does “most appropriate way to allocate compensation	It means that we will sit down together to determine how to share the cost of cancelling the contract, giving full recognition to ratepayer value and contractual obligations.	<i>It means that we will sit down together to determine how to share the cost of cancelling the contract, giving full recognition to ratepayer value and contractual obligations.</i>

<p>between the OPA and Crown” mean?</p> <p>Exactly how much is it going to cost to cancel this contract?</p> <p>How long will settlement negotiations take? Is there a drop-dead date?</p> <p>Are these letters precedent-setting? Has the Ministry or OPA sent similar letters before?</p> <p><u>Contract Termination</u></p> <p>Has the contract been terminated?</p>	<p>That has yet to be determined. The OPA is committed to settling this matter with ratepayer value top of mind.</p> <p>The OPA will take the time necessary to come to a fair settlement.</p> <p>No. Letters of intent and direction are not precedent-setting. Our government conducts business on behalf of the people of Ontario in an open and transparent manner.</p> <p><u>SCENARIO A</u></p> <p><i>No, however if negotiations are not successful, the OPA has notified Eastern Power that it is not proceeding with the contract. In the meantime, the OPA has asked Eastern Power to stop construction at the site.</i></p>	<p><i>We hope to start settlement negotiations soon. We are committed to finding a fair settlement that upholds ratepayer value.</i></p> <p><i>We will take the time needed to find a fair solution.</i></p> <p><i>No. Letters of intent and direction are not precedent-setting. Our agency conducts business on behalf of the people of Ontario. We do so in an open and transparent manner.</i></p> <p><i>No. We are in discussions with Eastern. We have notified them however that if our negotiations are not successful, we will not be proceeding with the contract. In the meantime, we have asked Eastern Power to stop construction at the site.</i></p>
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<p>Who terminated the contract?</p> <p>Why was the contract terminated? Were other solutions not viable?</p> <p>Did the OPA terminate the contract at the government's request?</p> <p>Why wasn't the contract terminated sooner?</p> <p>If the OPA is terminating the contract, how can you get the company (Eastern) to work with the OPA to relocate the site?</p>	<p><u>SCENARIO B AND C</u></p> <p>Following discussions with Eastern Power, OPA decided not proceeding with the contract would best serve the public's interest.</p> <p>Contract negotiations are commercially sensitive. These discussions are confidential. We are confident the OPA is working in the best interests of Ontarians.</p> <p>The OPA, as the contract holder, has been in discussions with Eastern Power to resolve this matter in the best interests of Ontarians. Following discussions with Eastern Power, OPA recommended not proceeding with the contract best serves the public's interest. We support the OPA's recommendation</p> <p>Discussions began as soon as they could between OPA and Eastern. This decision is the result of those discussions.</p> <p>The OPA will pursue further discussions with Eastern Power and we expect them to find a satisfactory resolution.</p>	<p><i>After pursuing discussions to reach a negotiated agreement, we have notified Eastern that the OPA will not proceed with the contract.</i></p> <p><i>Contract negotiations are commercially sensitive. These discussions are confidential. We will continue to negotiate in the best interests of Ontarians.</i></p> <p><i>The government has been clear that it is committed relocating the plant. Given the government's commitment, and following discussions with Eastern, we decided not proceeding with the contract was the appropriate next step.</i></p> <p><i>Our goal has been to resolve this matter in the best interests of Ontarians. We believe this decision best serves the public interest. Contract negotiations are commercial sensitive and we cannot say more than that.</i></p> <p><i>We initiated discussions with Eastern Power as soon as we received the Minister's letter asking us to begin discussions. Not proceeding with the contract is the result of these discussions.</i></p> <p><i>We will pursue further discussions with the proponent.</i></p>
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<p>Will Eastern Power be the company to build the relocated plant? Do you have assurances from them on that?</p> <p>Will you put this back out to tender?</p> <p>What is the process for finding another site?</p> <p>How come you've cancelled the plants in Mississauga and Oakville but not in Northern York Region?</p>	<p>The OPA will pursue further discussions with Eastern Power to find a satisfactory resolution.</p> <p>The OPA will pursue further discussions with Eastern Power to find a satisfactory resolution.</p> <p>The OPA is best able to answer this. We can confirm that the site selection will include public consultation.</p> <p>These are two very different situations. The OPA has advised that Southwest GTA's local reliability issues can be addressed through building transmission. Transmission projects were rejected by the people of Northern York Region, and a generating facility is required immediately in the region to meet North American standards for reliability.</p>	<p><i>We expect to continue discussions with Eastern Power and hope to reach a satisfactory resolution.</i></p> <p><i>We expect to continue discussions with Eastern Power and hope to reach a satisfactory resolution.</i></p> <p><i>This will require further consideration, but we will consider local generation needs and transmission and distribution support. Once options are identified, the public will be consulted.</i></p> <p><i>These are two very different situations. Southwest GTA's local reliability issues can be addressed through building transmission. Transmission projects were rejected by the people of Northern York Region, and a generating facility is required immediately in the region to meet North American standards for reliability.</i></p>
<p><u>Construction</u></p> <p>Now that the OPA has terminated the contract, will work stop at the site?</p>	<p>My understanding is that the OPA has notified the proponent that it is not proceeding with the contract. The OPA has advised the developer to stop work at the site.</p>	<p><i>We have notified Eastern that we are not proceeding with the contract and advised Eastern to stop construction. We have made it clear that Eastern is financially liable if construction continues. We will pursue further discussions about stopping work at the site.</i></p>

<p>Will legislation be required to stop construction?</p> <p>Minister, your spokesperson said that legislation was not needed, is this true?</p>	<p>Legislation is an option, however, the best option, and the one we are choosing at this time, is to have the OPA work with Eastern Power to find satisfactory resolution.</p> <p>It is our expectation the OPA and Eastern Power will work together to find a satisfactory resolution.</p> <p>The best option, and the one we are choosing at this time, is to have the OPA work with Eastern Power to find satisfactory resolution to the site.</p>	<p><i>The government is best able to answer that question.</i></p> <p><i>We will pursue further discussions and hope to reach a satisfactory resolution.</i></p> <p><i>The government is best able to answer that question.</i></p>
<p><u>Contract Value</u></p> <p>Why should anyone want to contract with OPA or government after this?</p> <p>What's the status of negotiations with TransCanada?</p> <p>Will the cost of these contract cancellations be made public knowledge at some time?</p>	<p>The government and our agencies have successful track records for negotiating and fulfilling contracts in the best interest of Ontario taxpayers. This is a unique case and these circumstances do not apply to other contracts or issues.</p> <p>Like any other business, energy partners work together to respond to changing conditions. Contracts are renegotiated or terminated on a small and large scale across businesses of all types.</p> <p>Discussions with TransCanada continue. We do not have an update at this time.</p> <p>Our government is committed to conducting business in an open and transparent manner. We will provide what we can when we can.</p>	<p><i>Our agency has a successful track record for negotiating and fulfilling contracts in the best interest of Ontario ratepayers.</i></p> <p><i>This is a unique case and these circumstances to not apply to other contracts or issues.</i></p> <p><i>Discussions with TransCanada continue. We do not have an update at this time.</i></p> <p><i>Contracts are commercially sensitive. It is up to the proponent to determine what they are willing to make public and when.</i></p>

Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November-13-11 5:17 PM
To: 'Calwell, Carolyn (ENERGY)'; McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: RE: Updated QA

Will make that change to QA now and send new version momentarily.

From: Calwell, Carolyn (ENERGY)
Sent: November 13, 2011 5:16 PM
To: Kovesfalvi, Sylvia (ENERGY); McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: Re: Updated QA

Greenfield South Power Corporation is the name of the contract counterparty, so that is the name we should use. It is an affiliate of Eastern.

Carolyn

From: Kovesfalvi, Sylvia (ENERGY)
To: McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Calwell, Carolyn (ENERGY); King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Sent: Sun Nov 13 17:12:57 2011
Subject: RE: Updated QA

Hi Rhonda –

Not sure if Energy has a preference from a legal perspective.

Based on what's in the public now, I'd suggest Greenfield (unless Legal advises otherwise).

- According to the proponent's web-site, "Greenfield South Power Corporation, together with its affiliate Eastern Power Limited" is developing the Greenfield South Power Plant.
- OPA also refers to them as Greenfield South on their web-site: <http://www.powerauthority.on.ca/clean-energy/greenfield-south-power-plant-280-mw-mississauga> (will check with OPA about updating this site).

From: McMichael, Rhonda (CAB)
Sent: November 13, 2011 4:55 PM
To: Kovesfalvi, Sylvia (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Calwell, Carolyn (ENERGY); King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: Re: Updated QA

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From: Kovesfalvi, Sylvia (ENERGY)

To: Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)

Cc: Calwell, Carolyn (ENERGY); King, Ryan (ENERGY); Gemmiti, Paola (MAA); McMichael, Rhonda (CAB)

Sent: Sun Nov 13 16:52:27 2011

Subject: Updated QA

Hi all –

Attached is an updated QA with key messaging for three scenarios:

- Scenario A - If two-step process is selected
- Scenario B - If contract is terminated
- Scenario C - If contract is terminated and OPA/Minister letters become public **(NEW)***

Have also added new questions (under “**letter**”) that might come up if letters become public (what does/do this letter(s) mean? Are these letters/decisions precedent-setting? and repeated earlier Q’s about what happens if developer keeps building, options to stop, potential cost, length of negotiations). *Apologies for not providing tracked version – for some reason the function is not working on my computer today.*

Note – we have been calling them Eastern throughout QA to this point, but OPA refers to them as Greenfield South in their letter. Let me know and I’ll revise accordingly.

Also attached for your reference are the general QA prepared a few weeks back.

Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November-13-11 5:28 PM
To: Calwell, Carolyn (ENERGY); McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: RE: Updated QA
Attachments: QA - repudiationNov13(letter release).COMS.5pm.doc

References to Eastern Power deleted and replaced with Greenfield South.

Am heading home now – should be back on-line by 7ish.

From: Calwell, Carolyn (ENERGY)
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To: Kovesfalvi, Sylvia (ENERGY); McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
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WHO SAYS WHAT – General Guidelines

	MINISTER	OPA
Key Messages	<p><u>SCENARIO A - If OPA sends letter to Greenfield South advising unsuccessful negotiations lead to termination (2-step approach)</u></p> <p>I understand the OPA has notified Greenfield South that it is not proceeding with the contract if negotiations are unsuccessful.</p> <p>In the meantime, the OPA has asked Greenfield South to stop construction at the site.</p> <p><u>SCENARIO B - If Contract is Terminated</u></p> <p>I understand the OPA has had discussions with the developer – Greenfield South. The OPA has notified Greenfield that the OPA will not proceed with the contract.</p> <p>The OPA will look for another site for the gas plant.</p> <p>The government will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.</p>	<p><i>We are in discussions with Greenfield South.</i></p> <p><i>We have notified them that we will not be proceeding with the contract if our negotiations are not successful.</i></p> <p><i>In the meantime, we have asked Greenfield South to stop construction at the site.</i></p> <p><i>After pursuing discussions to reach a negotiated agreement, we have notified Greenfield South that the OPA will not proceed with the contract.</i></p> <p><i>We are seeking to continue discussions with Greenfield South on next steps. We cannot provide any additional information on these discussions at this time.</i></p> <p><i>We will look for another site for the gas plant.</i></p> <p><i>Once potential sites have been identified, the public will be consulted before a final decision is made.</i></p>

<p>Letters</p> <p>What does/do these letters mean?</p>	<p><u>SCENARIO C – If letter/letters become public</u></p> <p>Despite OPA's best efforts, a successful negotiation could not be reached.</p> <p>OPA has recommended that the contract be stopped and we support their recommendation.</p> <p>The government is committed to relocating this plant. It is in the ratepayer's interest to stop construction of this plant as soon as possible.</p> <p>It is also in the interest of Ontario's economy to settle as quickly as possible. We need to reassure electricity developers and investors that Ontario remains a good place to make energy investments.</p> <p>Gas-fired generation is an important and cost-effective role in building a cleaner, more modern electricity system that meets Ontario's energy needs.</p> <p>The government remains committed to providing a strong, stable supply of electricity for Ontario. We also remain committed to providing support to those making investments in Ontario's electricity system.</p> <p>The government will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.</p> <p><i>It/they mean the government supports OPA's recommendation to terminate the contract with Greenfield South.</i></p>	<p><i>Despite our best efforts, a successful negotiation could not be reached.</i></p> <p><i>We have recommended that the contract be stopped and appreciate the government's support.</i></p> <p><i>The government is committed to relocating this plant. It is in the ratepayer's interest to stop construction of this plant as soon as possible.</i></p> <p><i>It is also in the interest of Ontario's economy to settle as quickly as possible. We need to reassure electricity developers and investors that Ontario remains a good place to make energy investments.</i></p> <p><i>Gas-fired generation is an important and cost-effective role in building a cleaner, more modern electricity system that meets Ontario's energy needs.</i></p> <p><i>We share the government's commitment to ratepayer value.</i></p> <p><i>We hope to continue discussions with the developer to arrive at a settlement fair to all parties.</i></p> <p><i>It/they mean negotiations had stalled and the OPA recognized the best next step for all parties involved – ratepayers, the developer and OPA – was to terminate the contract. The OPA recommended terminating the contract and the government indicated their support.</i></p>
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Does this mean construction stops immediately?	That is what the OPA asked and that is our expectation.	<i>That is what we asked and that is our expectation.</i>
What kind of penalty does the developer face if they don't stop construction?	This is commercially sensitive information – but there is a significant financial penalty.	<i>This is commercially sensitive information; however the developer has been made aware that they will incur severe(?) financial penalties if construction continues.</i>
Why did negotiations fail?	The OPA and the developer could not reach an agreement to stop construction.	<i>We could not reach an agreement with the developer to stop construction.</i>
How long did the OPA give it? How extensive have the discussions been?	I understand the OPA and developer have been meeting frequently for the past few weeks.	<i>We have been meeting frequently with the developer for the past few weeks.</i>
There's been strong and persistent opposition in other communities – Northern York Region for example, yet those plants are proceeding. Why are you stopping this one?	This is a unique case and these circumstances do not apply to other contracts or issues.	<i>This is a unique case and these circumstances do not apply to other contracts or issues.</i>
What does “most appropriate way to allocate compensation	It means that we will sit down together to determine how to share the cost of cancelling the contract, giving full recognition to ratepayer value and contractual obligations.	<i>It means that we will sit down together to determine how to share the cost of cancelling the contract, giving full recognition to ratepayer value and contractual obligations.</i>

<p>between the OPA and Crown” mean?</p> <p>Exactly how much is it going to cost to cancel this contract?</p> <p>How long will settlement negotiations take? Is there a drop-dead date?</p> <p>Are these letters precedent-setting? Has the Ministry or OPA sent similar letters before?</p> <p><u>Contract Termination</u></p> <p>Has the contract been terminated?</p>	<p>That has yet to be determined. The OPA is committed to settling this matter with ratepayer value top of mind.</p> <p>The OPA will take the time necessary to come to a fair settlement.</p> <p>No. Letters of intent and direction are not precedent-setting. Our government conducts business on behalf of the people of Ontario in an open and transparent manner.</p> <p><u>SCENARIO A</u></p> <p><i>No, however if negotiations are not successful, the OPA has notified Greenfield South that it is not proceeding with the contract. In the meantime, the OPA has asked Greenfield South to stop construction at the site.</i></p>	<p><i>We hope to start settlement negotiations soon. We are committed to finding a fair settlement that upholds ratepayer value.</i></p> <p><i>We will take the time needed to find a fair solution.</i></p> <p><i>No. Letters of intent and direction are not precedent-setting. Our agency conducts business on behalf of the people of Ontario. We do so in an open and transparent manner.</i></p> <p><i>No. We are in discussions with Greenfield South.. We have notified them however that if our negotiations are not successful, we will not be proceeding with the contract. In the meantime, we have asked Greenfield South to stop construction at the site.</i></p>
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<p>Who terminated the contract?</p> <p>Why was the contract terminated? Were other solutions not viable?</p> <p>Did the OPA terminate the contract at the government's request?</p> <p>Why wasn't the contract terminated sooner?</p> <p>If the OPA is terminating the contract, how can you get the company (Eastern) to work with the OPA to relocate the site?</p>	<p><u>SCENARIO B AND C</u></p> <p>Following discussions with Greenfield South, OPA decided not proceeding with the contract would best serve the public's interest.</p> <p>Contract negotiations are commercially sensitive. These discussions are confidential. We are confident the OPA is working in the best interests of Ontarians.</p> <p>The OPA, as the contract holder, has been in discussions with Greenfield South to resolve this matter in the best interests of Ontarians. Following discussions with Greenfield South, OPA recommended not proceeding with the contract best serves the public's interest. We support the OPA's recommendation</p> <p>Discussions began as soon as they could between OPA and Greenfield South. This decision is the result of those discussions.</p> <p>The OPA will pursue further discussions with Greenfield South and we expect them to find a satisfactory resolution.</p>	<p><i>After pursuing discussions to reach a negotiated agreement, we have notified Greenfield South that the OPA will not proceed with the contract.</i></p> <p><i>Contract negotiations are commercially sensitive. These discussions are confidential. We will continue to negotiate in the best interests of Ontarians.</i></p> <p><i>The government has been clear that it is committed relocating the plant. Given the government's commitment, and following discussions with Greenfield South, we decided not proceeding with the contract was the appropriate next step.</i></p> <p><i>Our goal has been to resolve this matter in the best interests of Ontarians. We believe this decision best serves the public interest. Contract negotiations are commercial sensitive and we cannot say more than that.</i></p> <p><i>We initiated discussions with Greenfield South as soon as we received the Minister's letter asking us to begin discussions. Not proceeding with the contract is the result of these discussions.</i></p> <p><i>We will pursue further discussions with the proponent.</i></p>
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<p>Will Eastern Power be the company to build the relocated plant? Do you have assurances from them on that?</p> <p>Will you put this back out to tender?</p> <p>What is the process for finding another site?</p> <p>How come you've cancelled the plants in Mississauga and Oakville but not in Northern York Region?</p>	<p>The OPA will pursue further discussions with Greenfield South to find a satisfactory resolution.</p> <p>The OPA will pursue further discussions with Greenfield South to find a satisfactory resolution.</p> <p>The OPA is best able to answer this. We can confirm that the site selection will include public consultation.</p> <p>These are two very different situations. The OPA has advised that Southwest GTA's local reliability issues can be addressed through building transmission. Transmission projects were rejected by the people of Northern York Region, and a generating facility is required immediately in the region to meet North American standards for reliability.</p>	<p><i>We expect to continue discussions with Greenfield South and hope to reach a satisfactory resolution.</i></p> <p><i>We expect to continue discussions with Greenfield South and hope to reach a satisfactory resolution.</i></p> <p><i>This will require further consideration, but we will consider local generation needs and transmission and distribution support. Once options are identified, the public will be consulted.</i></p> <p><i>These are two very different situations. Southwest GTA's local reliability issues can be addressed through building transmission. Transmission projects were rejected by the people of Northern York Region, and a generating facility is required immediately in the region to meet North American standards for reliability.</i></p>
<p><u>Construction</u></p> <p>Now that the OPA has terminated the contract, will work stop at the site?</p>	<p>My understanding is that the OPA has notified the developer that it is not proceeding with the contract. The OPA has advised the developer to stop work at the site.</p>	<p><i>We have notified Greenfield South that we are not proceeding with the contract and advised Greenfield to stop construction. We have made it clear that Greenfield is financially liable if construction continues. We will pursue further discussions about stopping work at the site.</i></p>

<p>Will legislation be required to stop construction?</p> <p>Minister, your spokesperson said that legislation was not needed, is this true?</p>	<p>Legislation is an option, however, the best option, and the one we are choosing at this time, is to have the OPA work with Greenfield South to find satisfactory resolution.</p> <p>It is our expectation the OPA and Greenfield South will work together to find a satisfactory resolution.</p> <p>The best option, and the one we are choosing at this time, is to have the OPA work with Greenfield South to find satisfactory resolution to the site.</p>	<p><i>The government is best able to answer that question.</i></p> <p><i>We will pursue further discussions and hope to reach a satisfactory resolution.</i></p> <p><i>The government is best able to answer that question.</i></p>
<p><u>Contract Value</u></p> <p>Why should anyone want to contract with OPA or government after this?</p> <p>What's the status of negotiations with TransCanada?</p> <p>Will the cost of these contract cancellations be made public knowledge at some time?</p>	<p>The government and our agencies have successful track records for negotiating and fulfilling contracts in the best interest of Ontario taxpayers. This is a unique case and these circumstances do not apply to other contracts or issues.</p> <p>Like any other business, energy partners work together to respond to changing conditions. Contracts are renegotiated or terminated on a small and large scale across businesses of all types.</p> <p>Discussions with TransCanada continue. We do not have an update at this time.</p> <p>Our government is committed to conducting business in an open and transparent manner. We will provide what we can when we can.</p>	<p><i>Our agency has a successful track record for negotiating and fulfilling contracts in the best interest of Ontario ratepayers.</i></p> <p><i>This is a unique case and these circumstances to not apply to other contracts or issues.</i></p> <p><i>Discussions with TransCanada continue. We do not have an update at this time.</i></p> <p><i>Contracts are commercially sensitive. It is up to the proponent to determine what they are willing to make public and when.</i></p>

Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November-13-11 5:32 PM
To: Calwell, Carolyn (ENERGY); McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: RE: Updated QA - use this version.
Attachments: QA - repudiationNov13(letter release).COMS.5pm.(2).doc

Missed a couple of references in the Q's – pls use this version (2).

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November 13, 2011 5:28 PM
To: 'Calwell, Carolyn (ENERGY)'; McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: RE: Updated QA

References to Eastern Power deleted and replaced with Greenfield South.

Am heading home now – should be back on-line by 7ish.

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To: Kovesfalvi, Sylvia (ENERGY); McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: Re: Updated QA

Greenfield South Power Corporation is the name of the contract counterparty, so that is the name we should use. It is an affiliate of Eastern.

Carolyn

From: Kovesfalvi, Sylvia (ENERGY)
To: McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Calwell, Carolyn (ENERGY); King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Sent: Sun Nov 13 17:12:57 2011
Subject: RE: Updated QA

Hi Rhonda –

Not sure if Energy has a preference from a legal perspective.

Based on what's in the public now, I'd suggest Greenfield (unless Legal advises otherwise).

- According to the proponent's web-site, "Greenfield South Power Corporation, together with its affiliate Eastern Power Limited" is developing the Greenfield South Power Plant.
- OPA also refers to them as Greenfield South on their web-site: <http://www.powerauthority.on.ca/clean-energy/greenfield-south-power-plant-280-mw-mississauga> (will check with OPA about updating this site).

From: McMichael, Rhonda (CAB)
Sent: November 13, 2011 4:55 PM
To: Kovesfalvi, Sylvia (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Calwell, Carolyn (ENERGY); King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: Re: Updated QA

Thanks Sylvia. Does Energy have a preference as to which name is used?

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To: Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Calwell, Carolyn (ENERGY); King, Ryan (ENERGY); Gemmiti, Paola (MAA); McMichael, Rhonda (CAB)
Sent: Sun Nov 13 16:52:27 2011
Subject: Updated QA

Hi all –

Attached is an updated QA with key messaging for three scenarios:

- Scenario A - If two-step process is selected
- Scenario B - If contract is terminated
- Scenario C - If contract is terminated and OPA/Minister letters become public **(NEW)***

Have also added new questions (under **“letter”**) that might come up if letters become public (what does/do this letter(s) mean? Are these letters/decisions precedent-setting? and repeated earlier Q's about what happens if developer keeps building, options to stop, potential cost. length of negotiations). *Apologies for not providing tracked version – for some reason the function is not working on my computer today.*

Note – we have been calling them Eastern throughout QA to this point, but OPA refers to them as Greenfield South in their letter. Let me know and I'll revise accordingly.

Also attached for your reference are the general QA prepared a few weeks back.

MEDIA PROTOCOL

Generally the Minister's Office responds to strategic questions and OPA responds to operational questions.

Strategic - Minister's Office (Minister or Erika Botond)

- Government's decision to relocate the plant
- Government's commitment to relocate the plant.

Operational - OPA (Colin Andersen or Kristen Jenkins)

- Status of contract negotiations, and process for finding another site
- History of Greenfield site selection (required approvals, public consultation, etc).

Process

- The OPA immediately notifies the Ministry of Energy of any Greenfield-related media call (Communications Director, Media Manager and Spokesperson).
- The Ministry immediately notifies Minister's Office, Deputy Minister's Office, Legal and Cabinet Office.
- The OPA submits proposed responses; the ministry secures approvals (Cabinet Office, DMO, Legal, Policy).
- The Minister's Office confirms who responds and how (phone/email).

WHO SAYS WHAT – General Guidelines

	MINISTER	OPA
Key Messages	<p><u>SCENARIO A - If OPA sends letter to Greenfield South advising unsuccessful negotiations lead to termination (2-step approach)</u></p> <p>I understand the OPA has notified Greenfield South that it is not proceeding with the contract if negotiations are unsuccessful.</p> <p>In the meantime, the OPA has asked Greenfield South to stop construction at the site.</p> <p><u>SCENARIO B - If Contract is Terminated</u></p> <p>I understand the OPA has had discussions with the developer – Greenfield South. The OPA has notified Greenfield that the OPA will not proceed with the contract.</p> <p>The OPA will look for another site for the gas plant.</p> <p>The government will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.</p>	<p><i>We are in discussions with Greenfield South.</i></p> <p><i>We have notified them that we will not be proceeding with the contract if our negotiations are not successful.</i></p> <p><i>In the meantime, we have asked Greenfield South to stop construction at the site.</i></p> <p><i>After pursuing discussions to reach a negotiated agreement, we have notified Greenfield South that the OPA will not proceed with the contract.</i></p> <p><i>We are seeking to continue discussions with Greenfield South on next steps. We cannot provide any additional information on these discussions at this time.</i></p> <p><i>We will look for another site for the gas plant.</i></p> <p><i>Once potential sites have been identified, the public will be consulted before a final decision is made.</i></p>

<p>Letters</p> <p>What does/do these letters mean?</p>	<p><u>SCENARIO C – If letter/letters become public</u></p> <p>Despite OPA's best efforts, a successful negotiation could not be reached.</p> <p>OPA has recommended that the contract be stopped and we support their recommendation.</p> <p>The government is committed to relocating this plant. It is in the ratepayer's interest to stop construction of this plant as soon as possible.</p> <p>It is also in the interest of Ontario's economy to settle as quickly as possible. We need to reassure electricity developers and investors that Ontario remains a good place to make energy investments.</p> <p>Gas-fired generation is an important and cost-effective role in building a cleaner, more modern electricity system that meets Ontario's energy needs.</p> <p>The government remains committed to providing a strong, stable supply of electricity for Ontario. We also remain committed to providing support to those making investments in Ontario's electricity system.</p> <p>The government will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.</p> <p><i>It/they mean the government supports OPA's recommendation to terminate the contract with Greenfield South.</i></p>	<p><i>Despite our best efforts, a successful negotiation could not be reached.</i></p> <p><i>We have recommended that the contract be stopped and appreciate the government's support.</i></p> <p><i>The government is committed to relocating this plant. It is in the ratepayer's interest to stop construction of this plant as soon as possible.</i></p> <p><i>It is also in the interest of Ontario's economy to settle as quickly as possible. We need to reassure electricity developers and investors that Ontario remains a good place to make energy investments.</i></p> <p><i>Gas-fired generation is an important and cost-effective role in building a cleaner, more modern electricity system that meets Ontario's energy needs.</i></p> <p><i>We share the government's commitment to ratepayer value.</i></p> <p><i>We hope to continue discussions with the developer to arrive at a settlement fair to all parties.</i></p> <p><i>It/they mean negotiations had stalled and the OPA recognized the best next step for all parties involved – ratepayers, the developer and OPA – was to terminate the contract. The OPA recommended terminating the contract and the government indicated their support.</i></p>
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Does this mean construction stops immediately?	That is what the OPA asked and that is our expectation.	<i>That is what we asked and that is our expectation.</i>
What kind of penalty does the developer face if they don't stop construction?	This is commercially sensitive information – but there is a significant financial penalty.	<i>This is commercially sensitive information; however the developer has been made aware that they will incur severe(?) financial penalties if construction continues.</i>
Why did negotiations fail?	The OPA and the developer could not reach an agreement to stop construction.	<i>We could not reach an agreement with the developer to stop construction.</i>
How long did the OPA give it? How extensive have the discussions been?	I understand the OPA and developer have been meeting frequently for the past few weeks.	<i>We have been meeting frequently with the developer for the past few weeks.</i>
There's been strong and persistent opposition in other communities – Northern York Region for example, yet those plants are proceeding. Why are you stopping this one?	This is a unique case and these circumstances do not apply to other contracts or issues.	<i>This is a unique case and these circumstances do not apply to other contracts or issues.</i>
What does “most appropriate way to allocate compensation	It means that we will sit down together to determine how to share the cost of cancelling the contract, giving full recognition to ratepayer value and contractual obligations.	<i>It means that we will sit down together to determine how to share the cost of cancelling the contract, giving full recognition to ratepayer value and contractual obligations.</i>

<p>between the OPA and Crown” mean?</p> <p>Exactly how much is it going to cost to cancel this contract?</p> <p>How long will settlement negotiations take? Is there a drop-dead date?</p> <p>Are these letters precedent-setting? Has the Ministry or OPA sent similar letters before?</p> <p><u>Contract Termination</u></p> <p>Has the contract been terminated?</p>	<p>That has yet to be determined. The OPA is committed to settling this matter with ratepayer value top of mind.</p> <p>The OPA will take the time necessary to come to a fair settlement.</p> <p>No. Letters of intent and direction are not precedent-setting. Our government conducts business on behalf of the people of Ontario in an open and transparent manner.</p> <p><u>SCENARIO A</u></p> <p>No, however if negotiations are not successful, the OPA has notified Greenfield South that it is not proceeding with the contract. In the meantime, the OPA has asked Greenfield South to stop construction at the site.</p>	<p><i>We hope to start settlement negotiations soon. We are committed to finding a fair settlement that upholds ratepayer value.</i></p> <p><i>We will take the time needed to find a fair solution.</i></p> <p><i>No. Letters of intent and direction are not precedent-setting. Our agency conducts business on behalf of the people of Ontario. We do so in an open and transparent manner.</i></p> <p><i>No. We are in discussions with Greenfield South.. We have notified them however that if our negotiations are not successful, we will not be proceeding with the contract. In the meantime, we have asked Greenfield South to stop construction at the site.</i></p>
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<p>Who terminated the contract?</p> <p>Why was the contract terminated? Were other solutions not viable?</p> <p>Did the OPA terminate the contract at the government's request?</p> <p>Why wasn't the contract terminated sooner?</p> <p>If the OPA is terminating the contract, how can you get the company to work with the OPA to relocate the site?</p>	<p><u>SCENARIO B AND C</u></p> <p>Following discussions with Greenfield South, OPA decided not proceeding with the contract would best serve the public's interest.</p> <p>Contract negotiations are commercially sensitive. These discussions are confidential. We are confident the OPA is working in the best interests of Ontarians.</p> <p>The OPA, as the contract holder, has been in discussions with Greenfield South to resolve this matter in the best interests of Ontarians. Following discussions with Greenfield South, OPA recommended not proceeding with the contract best serves the public's interest. We support the OPA's recommendation</p> <p>Discussions began as soon as they could between OPA and Greenfield South. This decision is the result of those discussions.</p> <p>The OPA will pursue further discussions with Greenfield South and we expect them to find a satisfactory resolution.</p>	<p><i>After pursuing discussions to reach a negotiated agreement, we have notified Greenfield South that the OPA will not proceed with the contract.</i></p> <p><i>Contract negotiations are commercially sensitive. These discussions are confidential. We will continue to negotiate in the best interests of Ontarians.</i></p> <p><i>The government has been clear that it is committed relocating the plant. Given the government's commitment, and following discussions with Greenfield South, we decided not proceeding with the contract was the appropriate next step.</i></p> <p><i>Our goal has been to resolve this matter in the best interests of Ontarians. We believe this decision best serves the public interest. Contract negotiations are commercial sensitive and we cannot say more than that.</i></p> <p><i>We initiated discussions with Greenfield South as soon as we received the Minister's letter asking us to begin discussions. Not proceeding with the contract is the result of these discussions.</i></p> <p><i>We will pursue further discussions with the proponent.</i></p>
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<p>Will Greenfield South be the company to build the relocated plant? Do you have assurances from them on that?</p> <p>Will you put this back out to tender?</p> <p>What is the process for finding another site?</p> <p>How come you've cancelled the plants in Mississauga and Oakville but not in Northern York Region?</p>	<p>The OPA will pursue further discussions with Greenfield South to find a satisfactory resolution.</p> <p>The OPA will pursue further discussions with Greenfield South to find a satisfactory resolution.</p> <p>The OPA is best able to answer this. We can confirm that the site selection will include public consultation.</p> <p>These are two very different situations. The OPA has advised that Southwest GTA's local reliability issues can be addressed through building transmission. Transmission projects were rejected by the people of Northern York Region, and a generating facility is required immediately in the region to meet North American standards for reliability.</p>	<p><i>We expect to continue discussions with Greenfield South and hope to reach a satisfactory resolution.</i></p> <p><i>We expect to continue discussions with Greenfield South and hope to reach a satisfactory resolution.</i></p> <p><i>This will require further consideration, but we will consider local generation needs and transmission and distribution support. Once options are identified, the public will be consulted.</i></p> <p><i>These are two very different situations. Southwest GTA's local reliability issues can be addressed through building transmission. Transmission projects were rejected by the people of Northern York Region, and a generating facility is required immediately in the region to meet North American standards for reliability.</i></p>
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<p>Will legislation be required to stop construction?</p> <p>Minister, your spokesperson said that legislation was not needed, is this true?</p>	<p>Legislation is an option, however, the best option, and the one we are choosing at this time, is to have the OPA work with Greenfield South to find satisfactory resolution.</p> <p>It is our expectation the OPA and Greenfield South will work together to find a satisfactory resolution.</p> <p>The best option, and the one we are choosing at this time, is to have the OPA work with Greenfield South to find satisfactory resolution to the site.</p>	<p><i>The government is best able to answer that question.</i></p> <p><i>We will pursue further discussions and hope to reach a satisfactory resolution.</i></p> <p><i>The government is best able to answer that question.</i></p>
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Cayley, Daniel (ENERGY)

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Sent: November-13-11 5:57 PM
To: Kovesfalvi, Sylvia (ENERGY); Calwell, Carolyn (ENERGY); McMichael, Rhonda (CAB); Sharkawi, Rula (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: Re: Updated QA - use this version.

Hi - what is the timing for review of attached please?

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

Sent using BlackBerry

From: Kovesfalvi, Sylvia (ENERGY)
To: Calwell, Carolyn (ENERGY); McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Sent: Sun Nov 13 17:32:14 2011
Subject: RE: Updated QA - use this version.

Missed a couple of references in the Q's – pls use this version (2).

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Carolyn

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Cc: Calwell, Carolyn (ENERGY); King, Ryan (ENERGY); Gemmiti, Paola (MAA)

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Sent: Sun Nov 13 16:52:27 2011

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- Scenario B - If contract is terminated
- Scenario C - If contract is terminated and OPA/Minister letters become public **(NEW)***

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From: Calwell, Carolyn (ENERGY)
Sent: November-13-11 6:11 PM
To: Kovesfalvi, Sylvia (ENERGY); McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: RE: Updated QA - use this version.
Attachments: QA-repudiationNov13(letter release).LSB.6pm..doc

Please see attached, changes tracked. Halyna may have additional comments.

Carolyn

From: Kovesfalvi, Sylvia (ENERGY)
Sent: Sun 13/11/2011 5:32 PM
To: Calwell, Carolyn (ENERGY); McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: RE: Updated QA - use this version.

Missed a couple of references in the Q's – pls use this version (2).

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November 13, 2011 5:28 PM
To: 'Calwell, Carolyn (ENERGY)'; McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: RE: Updated QA

References to Eastern Power deleted and replaced with Greenfield South.

Am heading home now – should be back on-line by 7ish.

From: Calwell, Carolyn (ENERGY)
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To: Kovesfalvi, Sylvia (ENERGY); McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
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Subject: Re: Updated QA

Greenfield South Power Corporation is the name of the contract counterparty, so that is the name we should use. It is an affiliate of Eastern.

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Cc: Calwell, Carolyn (ENERGY); King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Sent: Sun Nov 13 17:12:57 2011
Subject: RE: Updated QA

Hi Rhonda –

Not sure if Energy has a preference from a legal perspective.

Based on what's in the public now, I'd suggest Greenfield (unless Legal advises otherwise).

- According to the proponent's web-site, "Greenfield South Power Corporation, together with its affiliate Eastern Power Limited" is developing the Greenfield South Power Plant.
- OPA also refers to them as Greenfield South on their web-site: <http://www.powerauthority.on.ca/clean-energy/greenfield-south-power-plant-280-mw-mississauga> (will check with OPA about updating this site).

From: McMichael, Rhonda (CAB)

Sent: November 13, 2011 4:55 PM

To: Kovesfalvi, Sylvia (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)

Cc: Calwell, Carolyn (ENERGY); King, Ryan (ENERGY); Gemmiti, Paola (MAA)

Subject: Re: Updated QA

Thanks Sylvia. Does Energy have a preference as to which name is used?

From: Kovesfalvi, Sylvia (ENERGY)

To: Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)

Cc: Calwell, Carolyn (ENERGY); King, Ryan (ENERGY); Gemmiti, Paola (MAA); McMichael, Rhonda (CAB)

Sent: Sun Nov 13 16:52:27 2011

Subject: Updated QA

Hi all –

Attached is an updated QA with key messaging for three scenarios:

- Scenario A - If two-step process is selected
- Scenario B - If contract is terminated
- Scenario C - If contract is terminated and OPA/Minister letters become public **(NEW)***

Have also added new questions (under **"letter"**) that might come up if letters become public (what does/do this letter(s) mean? Are these letters/decisions precedent-setting? and repeated earlier Q's about what happens if developer keeps building, options to stop, potential cost. length of negotiations). *Apologies for not providing tracked version – for some reason the function is not working on my computer today.*

Note – we have been calling them Eastern throughout QA to this point, but OPA refers to them as Greenfield South in their letter. Let me know and I'll revise accordingly.

Also attached for your reference are the general QA prepared a few weeks back.

Greenfield Contract Termination (Repudiation)
November 13, 2011 (5:30 pm)

MEDIA PROTOCOL

Generally the Minister's Office responds to strategic questions and OPA responds to operational questions.

Strategic - Minister's Office (Minister or Erika Botond)

- Government's decision to relocate the plant
- Government's commitment to relocate the plant.

Operational - OPA (Colin Andersen or Kristen Jenkins)

- Status of contract negotiations, and process for finding another site
- History of Greenfield site selection (required approvals, public consultation, etc).

Process

- The OPA immediately notifies the Ministry of Energy of any Greenfield-related media call (Communications Director, Media Manager and Spokesperson).
- The Ministry immediately notifies Minister's Office, Deputy Minister's Office, Legal and Cabinet Office.
- The OPA submits proposed responses; the ministry secures approvals (Cabinet Office, DMO, Legal, Policy).
- The Minister's Office confirms who responds and how (phone/email).

WHO SAYS WHAT – General Guidelines

	MINISTER	OPA
Key Messages	<p>SCENARIO A - If OPA sends letter to Greenfield South advising unsuccessful <u>negotiations lead to termination (2-step approach)</u></p> <p><u>The OPA is in negotiations with Greenfield South.</u></p> <p>I understand the OPA has notified Greenfield South that it is not proceeding with the contract if negotiations are unsuccessful.</p> <p>In the meantime, the OPA has asked Greenfield South to stop construction at the site.</p> <p><u>SCENARIO B - If Contract is Terminated</u></p> <p>I understand the OPA has had discussions with the developer – Greenfield South. The OPA has notified Greenfield that the OPA will not proceed with the contract.</p> <p>The OPA will look for another site for the gas plant.</p> <p>The government will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.</p>	<p><i>We are in discussions with Greenfield South.</i></p> <p><i>We have notified them that we will not be proceeding with the contract if our negotiations are not successful.</i></p> <p><i>In the meantime, we have asked Greenfield South to stop construction at the site.</i></p> <p><i>After pursuing discussions to reach a negotiated agreement, we have notified Greenfield South that the OPA will not proceed with the contract.</i></p> <p><i>We are seeking to continue discussions with Greenfield South on next steps. We cannot provide any additional information on these discussions at this time.</i></p> <p><i>We will look for another site for the gas plant.</i></p> <p><i>Once potential sites have been identified, the public will be consulted before a final decision is made.</i></p>

<p>Letters</p> <p>What does/do these letters mean?</p>	<p><u>SCENARIO C – If letter/letters become public</u></p> <p>Despite OPA's best efforts, a successful negotiation could not be reached.</p> <p>OPA has recommended that the contract <u>come to an end</u>be stopped and we support their recommendation.</p> <p>The government is committed to relocating this plant. It is in the ratepayer's interest to stop construction of this plant as soon as possible.</p> <p>It is also in the interest of Ontario's economy to <u>settle</u>resolve this as quickly as possible. We need to reassure electricity developers and investors that Ontario remains a good place to make energy investments.</p> <p>Gas-fired generation is an important and cost-effective role in building a cleaner, more modern electricity system that meets Ontario's energy needs.</p> <p>The government remains committed to providing a strong, stable supply of electricity for Ontario. We also remain committed to providing support to those making investments in Ontario's electricity system.</p> <p>The government will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.</p> <p><i>It/they mean the government supports OPA's recommendation to terminate the contract with Greenfield South.</i></p>	<p><i>Despite our best efforts, a successful negotiation could not be reached.</i></p> <p><i>We have recommended that the contract be stopped<u>come to an end</u> and appreciate the government's support.</i></p> <p><i>The government is committed to relocating this plant. It is in the ratepayer's interest to stop construction of this plant as soon as possible.</i></p> <p><i>It is also in the interest of Ontario's economy to <u>resolve this</u>settle as quickly as possible. We need to reassure electricity developers and investors that Ontario remains a good place to make energy investments.</i></p> <p><i>Gas-fired generation is an important and cost-effective role in building a cleaner, more modern electricity system that meets Ontario's energy needs.</i></p> <p><i>We share the government's commitment to ratepayer value.</i></p> <p><i>We hope to continue discussions with the developer to arrive at a <u>settlement</u>resolution fair to all parties.</i></p> <p><i>It/they mean negotiations had stalled and the OPA recognized the best next step for all parties involved – ratepayers, the developer and OPA – was to terminate the contract. The OPA recommended terminating the contract and the government indicated their support.</i></p>
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<p>Does this mean construction stops immediately?</p> <p>What kind of penalty does the developer face if they don't stop construction?</p> <p>Why did negotiations fail?</p> <p>How long did the OPA give it? How extensive have the discussions been?</p> <p>There's been strong and persistent opposition in other communities – Northern York Region for example, yet those plants are proceeding. Why are you stopping this one?</p> <p>What does “most appropriate way to allocate compensation</p>	<p>That is what the OPA asked and that is our expectation.</p> <p><u>This is commercially sensitive information—but there is a significant financial penalty. The developer will not be able to recover its costs of ongoing construction. We expect Greenfield to stop construction.</u></p> <p>The OPA and the developer could not reach an agreement <u>to stop construction.</u></p> <p>I understand the OPA and developer have been <u>meeting-speaking</u> frequently for the past <u>few weeksmonth.</u></p> <p>This is a unique case and these circumstances do not apply to other contracts or issues.</p> <p>It means that we will sit down together to determine how to share the cost of cancelling the contract, giving full recognition to ratepayer</p>	<p><i>That is what we asked and that is our expectation.</i></p> <p><i><u>This is commercially sensitive information; however the developer has been made aware that they will incur severe(?) financial penalties if construction continues. The developer will not be able to recover its costs of ongoing construction. We have asked them to stop and that it our expectation.</u></i></p> <p><i>We could not reach an agreement <u>with the developer to stop construction.</u></i></p> <p><i>We have been <u>meeting-speaking</u> frequently with the developer for the past <u>few weeksmonth.</u></i></p> <p><i>This is a unique case and these circumstances do not apply to other contracts or issues.</i></p>
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<p>between the OPA and Crown” mean?</p> <p>Exactly how much is it going to cost to cancel this contract?</p> <p>How long will settlement negotiations take? Is there a drop-dead date?</p> <p>Are these letters precedent-setting? Has the Ministry or OPA sent similar letters before?</p> <p><u>Contract Termination</u></p> <p>Has the contract been terminated?</p>	<p>value and contractual obligations.</p> <p>That has yet to be determined. The OPA is committed to settling resolving this matter with ratepayer value top of mind.</p> <p>The OPA will take the time necessary to come to a fair settlementresolution.</p> <p>No. Letters of intent and direction are not precedent-setting. Our government conducts business on behalf of the people of Ontario in an open and transparent manner.</p> <p><u>SCENARIO A</u></p> <p><i>No, however if negotiations are not successful, the OPA has notified Greenfield South that it is not proceeding with the contract. In the meantime, the OPA has asked Greenfield South to stop construction at the site.</i></p>	<p><i>It means that we will sit down together to determine how to share the cost of cancelling the contract, giving full recognition to ratepayer value and contractual obligations.</i></p> <p><i>We hope to start settlement negotiations soon. We are committed to finding a fair resolution-settlement that upholds ratepayer value.</i></p> <p><i>We will take the time needed to find a fair solution.</i></p> <p><i>No. Letters of intent and direction are not precedent-setting. Our agency conducts business on behalf of the people of Ontario. We do so in an open and transparent manner.</i></p> <p><i>No. We are in discussions with Greenfield South.- We have notified them however that if our negotiations are not successful, we will not be proceeding with the contract. In the meantime, we have asked Greenfield South to stop construction at the site.</i></p>
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<p>Who terminated the contract?</p> <p>Why was the contract terminated? Were other solutions not viable?</p> <p>Did the OPA terminate the contract at the government's request?</p> <p>Why wasn't the contract terminated sooner?</p> <p>If the OPA is terminating the contract, how can you get the company to work with the OPA to relocate the site?</p>	<p><u>SCENARIO B AND C</u></p> <p>Following discussions with Greenfield South, OPA decided that not proceeding with the contract would best serve the public's interest.</p> <p>Contract negotiations are commercially sensitive. These discussions are confidential. We are confident the OPA is working in the best interests of Ontarians.</p> <p>The OPA, as the contract holder, has been in discussions with Greenfield South to resolve this matter in the best interests of Ontarians. Following discussions with Greenfield South, OPA recommended that not proceeding with the contract best serves the public's interest. We support the OPA's recommendation</p> <p>Discussions began as soon as they could between OPA and Greenfield South. This decision is the result of those discussions.</p> <p>The OPA will pursue further discussions with Greenfield South and we expect them to find a satisfactory resolution.</p>	<p><i>After pursuing discussions to reach a negotiated agreement, we have notified Greenfield South that the OPA will not proceed with the contract.</i></p> <p><i>Contract negotiations are commercially sensitive. These discussions are confidential. We will continue to negotiate in the best interests of Ontarians.</i></p> <p><i>The government has been clear that it is committed relocating the plant. Given the government's commitment, and following discussions with Greenfield South, we decided not proceeding with the contract was the appropriate next step.</i></p> <p><i>Our goal has been to resolve this matter in the best interests of Ontarians. We believe this decision best serves the public interest. Contract negotiations are commercial sensitive and we cannot say more than that.</i></p> <p><i>We initiated discussions with Greenfield South as soon as we received the Minister's letter asking us to begin discussions. Not proceeding with the contract is the result of these discussions.</i></p> <p><i>We will pursue further discussions with the proponentGreenfield South.</i></p>
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<p>Will Greenfield South be the company to build the relocated plant? Do you have assurances from them on that?</p> <p>Will you put this back out to tender?</p> <p>What is the process for finding another site?</p> <p>How come you've cancelled the plants in Mississauga and Oakville but not in Northern York Region?</p>	<p>The OPA will pursue further discussions with Greenfield South to find a satisfactory resolution.</p> <p>The OPA will pursue further discussions with Greenfield South to find a satisfactory resolution.</p> <p>The OPA is best able to answer this. We can confirm that the site selection will include public consultation.</p> <p>These are two very different situations. The OPA has advised that Southwest GTA's local reliability issues can be addressed through building transmission. Transmission projects were rejected by the people of Northern York Region, and a generating facility is required immediately in the region to meet North American standards for reliability.</p>	<p><i>We expect to continue discussions with Greenfield South and hope to reach a satisfactory resolution.</i></p> <p><i>We expect to continue discussions with Greenfield South and hope to reach a satisfactory resolution.</i></p> <p><i>This will require further consideration, but we will consider local generation needs and transmission and distribution support. Once options are identified, the public will be consulted.</i></p> <p><i>These are two very different situations. Southwest GTA's local reliability issues can be addressed through building transmission. Transmission projects were rejected by the people of Northern York Region, and a generating facility is required immediately in the region to meet North American standards for reliability.</i></p>
<p><u>Construction</u></p> <p>Now that the OPA has terminated the contract, will work</p>	<p><u>SCENARIO A</u></p> <p>My understanding is that the OPA has notified the developer that it is not proceeding with the contract. The OPA has advised<u>asked</u> the developer to stop work at the site.</p>	<p><u>SCENARIO A</u></p> <p><i>We have notified Greenfield South that we are not proceeding with the contract and advised<u>asked</u> Greenfield to stop construction. We have made it</i></p>

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<p>stop at the site?</p> <p>Will legislation be required to stop construction?</p> <p>Minister, your spokesperson said that legislation was not needed, is this true?</p>	<p><u>SCENARIO B & C</u></p> <p><u>My understanding is that the OPA has notified the developer that it is not proceeding with the contract. The OPA requires the developer to stop work at the site.</u></p> <p>Legislation is an option, however, the best option, and the one we are choosing at this time, is to have the OPA work with Greenfield South to find satisfactory resolution.</p> <p>It is our expectation the OPA and Greenfield South will work together to find a satisfactory resolution.</p> <p>The best option, and the one we are choosing at this time, is to have the OPA work with Greenfield South to find satisfactory resolution to the site.</p>	<p><i>clear that Greenfield is financially liable if construction continues. We will pursue further discussions about stopping work at the site.</i></p> <p><u>SCENARIO B & C</u></p> <p><u>We have notified Greenfield South that we are not proceeding with the contract. We have stated that we require Greenfield to stop construction. We have made it clear that Greenfield is financially liable if construction continues. We will pursue further discussions about stopping work at the site.</u></p> <p><i>The government is best able to answer that question.</i></p> <p><i>We will pursue further discussions and hope to reach a satisfactory resolution.</i></p> <p><i>The government is best able to answer that question.</i></p>
<p><u>Contract Value</u></p> <p>Why should anyone want to contract with OPA or government after this?</p> <p>What's the status of negotiations with TransCanada?</p>	<p>The government and our agencies have successful track records for negotiating and fulfilling contracts in the best interest of Ontario taxpayers. This is a unique case and these circumstances do not apply to other contracts or issues.</p> <p>Like any other business, energy partners work together to respond to changing conditions. Contracts are renegotiated or terminated on a small and large scale across businesses of all types.</p> <p>Discussions with TransCanada continue. We do not have an update at this time.</p>	<p><i>Our agency has a successful track record for negotiating and fulfilling contracts in the best interest of Ontario ratepayers.</i></p> <p><i>This is a unique case and these circumstances to not apply to other contracts or issues.</i></p> <p><i>Discussions with TransCanada continue. We do not have an update at this time.</i></p>

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Will the cost of these contract cancellations be made public knowledge at some time?	<p>Our government is committed to conducting business in an open and transparent manner. We will provide what we can when we can.</p>	<p><i>Contracts are commercially sensitive. It is up to the proponent developer to determine what they are willing to make public and when.</i></p>
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Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November-13-11 6:28 PM
To: McMichael, Rhonda (CAB); Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: Re: Updated QA - use this version.

Would guess about an hour ...

Sent from my BlackBerry Wireless Handheld

From: McMichael, Rhonda (CAB)
To: Calwell, Carolyn (ENERGY); Kovesfalvi, Sylvia (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Sent: Sun Nov 13 18:18:15 2011
Subject: Re: Updated QA - use this version.

Ok I will wait to pass on. Ps advise when good to go thanks.

From: Calwell, Carolyn (ENERGY)
To: Kovesfalvi, Sylvia (ENERGY); McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Sent: Sun Nov 13 18:11:05 2011
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Based on what's in the public now, I'd suggest Greenfield (unless Legal advises otherwise).

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Attached is an updated QA with key messaging for three scenarios:

- Scenario A - If two-step process is selected
- Scenario B - If contract is terminated
- Scenario C - If contract is terminated and OPA/Minister letters become public **(NEW)***

Have also added new questions (under **"letter"**) that might come up if letters become public (what does/do this letter(s) mean? Are these letters/decisions precedent-setting? and repeated earlier Q's about what happens if developer keeps building, options to stop, potential cost. length of negotiations). *Apologies for not providing tracked version – for some reason the function is not working on my computer today.*

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Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
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Hi rhonda - will have copy incorporating all changes to you shortly.

Sent from my BlackBerry Wireless Handheld

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Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Sent: Sun Nov 13 19:00:07 2011
Subject: Re: Updated QA - use this version.

Just confirming -- is this good to forward now? Thx

From: Perun, Halyna N. (ENERGY)
To: Calwell, Carolyn (ENERGY); Kovesfalvi, Sylvia (ENERGY); McMichael, Rhonda (CAB); Sharkawi, Rula (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Sent: Sun Nov 13 18:42:39 2011
Subject: Re: Updated QA - use this version.

Sylvia - a couple of other changes for your consideration:

Scenario C - in Letters part -

Change "OPA's recommendation to "OPA's decision" in the answer

"OPA's recommendation" appears in other parts of chart - so same change as above would follow

Re Question whether letter is precedent-setting - as the letter from the Minister is not a direction would be best to stay away from referring to it as such - maybe just say "Such letters are not precedent-setting..."

Thanks

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

Sent using BlackBerry

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To: Kovesfalvi, Sylvia (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)

Cc: Calwell, Carolyn (ENERGY); King, Ryan (ENERGY); Gemmiti, Paola (MAA)

Subject: Re: Updated QA

Thanks Sylvia. Does Energy have a preference as to which name is used?

From: Kovesfalvi, Sylvia (ENERGY)

To: Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)

Cc: Calwell, Carolyn (ENERGY); King, Ryan (ENERGY); Gemmiti, Paola (MAA); McMichael, Rhonda (CAB)

Sent: Sun Nov 13 16:52:27 2011

Subject: Updated QA

Hi all –

Attached is an updated QA with key messaging for three scenarios:

- Scenario A - If two-step process is selected
- Scenario B - If contract is terminated
- Scenario C - If contract is terminated and OPA/Minister letters become public **(NEW)***

Have also added new questions (under “**letter**”) that might come up if letters become public (what does/do this letter(s) mean? Are these letters/decisions precedent-setting? and repeated earlier Q’s about what happens if developer keeps building, options to stop, potential cost. length of negotiations). *Apologies for not providing tracked version – for some reason the function is not working on my computer today.*

Note – we have been calling them Eastern throughout QA to this point, but OPA refers to them as Greenfield South in their letter. Let me know and I’ll revise accordingly.

Also attached for your reference are the general QA prepared a few weeks back.

Fisher, Petra (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-14-11 8:40 AM
To: Rehob, James (ENERGY)
Subject: FW: Evening Update
Attachments: QA-repudiationNov13(letter release).Legal.730pm.doc

Hi James - fyi - Greenfield comms lines as of last night.

Carolyn

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November 13, 2011 7:59 PM
To: McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: Fw: Evening Update

Hi - all comments incorporated. Good to forward.

Sent from my BlackBerry Wireless Handheld

From: Ted DeWelles <horatio@idirect.com>
To: Kovesfalvi, Sylvia (ENERGY)
Sent: Sun Nov 13 19:53:59 2011
Subject: Evening Update

(sending from home computer, which is in husband's name).

Greenfield Contract Termination (Repudiation)
November 13, 2011 (7:30 pm)

MEDIA PROTOCOL

Generally the Minister's Office responds to strategic questions and OPA responds to operational questions.

Strategic - Minister's Office (Minister or Erika Botond)

- Government's decision to relocate the plant
- Government's commitment to relocate the plant.

Operational - OPA (Colin Andersen or Kristen Jenkins)

- Status of contract negotiations, and process for finding another site
- History of Greenfield site selection (required approvals, public consultation, etc).

Process

- The OPA immediately notifies the Ministry of Energy of any Greenfield-related media call (Communications Director, Media Manager and Spokesperson).
- The Ministry immediately notifies Minister's Office, Deputy Minister's Office, Legal and Cabinet Office.
- The OPA submits proposed responses; the ministry secures approvals (Cabinet Office, DMO, Legal, Policy).
- The Minister's Office confirms who responds and how (phone/email).

WHO SAYS WHAT – General Guidelines

	MINISTER	OPA
Key Messages	<p><u>SCENARIO A - If OPA sends letter to Greenfield South advising unsuccessful negotiations lead to termination (2-step approach)</u></p> <p>The OPA is in negotiations with Greenfield South.</p> <p>I understand the OPA has notified Greenfield South that it is not proceeding with the contract if negotiations are unsuccessful.</p> <p>In the meantime, the OPA has asked Greenfield South to stop construction at the site.</p> <p><u>SCENARIO B - If Contract is Terminated</u></p> <p>I understand the OPA has had discussions with the developer – Greenfield South. The OPA has notified Greenfield that the OPA will not proceed with the contract.</p> <p>The OPA will look for another site for the gas plant.</p> <p>The government will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.</p>	<p><i>We are in discussions with Greenfield South.</i></p> <p><i>We have notified them that we will not be proceeding with the contract if our negotiations are not successful.</i></p> <p><i>In the meantime, we have asked Greenfield South to stop construction at the site.</i></p> <p><i>After pursuing discussions to reach a negotiated agreement, we have notified Greenfield South that the OPA will not proceed with the contract.</i></p> <p><i>We are seeking to continue discussions with Greenfield South on next steps. We cannot provide any additional information on these discussions at this time.</i></p> <p><i>We will look for another site for the gas plant.</i></p> <p><i>Once potential sites have been identified, the public will be consulted before a final decision is made.</i></p>

<p>Letters</p> <p>What does/do these letters mean?</p>	<p><u>SCENARIO C – If letter/letters become public</u></p> <p>Despite OPA's best efforts, a successful negotiation could not be reached.</p> <p>OPA has decided that the contract come to an end and we support their decision.</p> <p>The government is committed to relocating this plant. It is in the ratepayer's interest to stop construction of this plant as soon as possible.</p> <p>It is also in the interest of Ontario's economy to resolve this as quickly as possible. We need to reassure electricity developers and investors that Ontario remains a good place to make energy investments.</p> <p>Gas-fired generation is an important and cost-effective role in building a cleaner, more modern electricity system that meets Ontario's energy needs.</p> <p>The government remains committed to providing a strong, stable supply of electricity for Ontario. We also remain committed to providing support to those making investments in Ontario's electricity system.</p> <p>The government will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.</p> <p><i>It/they mean the government supports OPA's decision to terminate the contract with Greenfield South.</i></p>	<p><i>Despite our best efforts, a successful negotiation could not be reached.</i></p> <p><i>We have decided that the contract come to an end and appreciate the government's support.</i></p> <p><i>The government is committed to relocating this plant. It is in the ratepayer's interest to stop construction of this plant as soon as possible.</i></p> <p><i>It is also in the interest of Ontario's economy to resolve this as quickly as possible. We need to reassure electricity developers and investors that Ontario remains a good place to make energy investments.</i></p> <p><i>Gas-fired generation is an important and cost-effective role in building a cleaner, more modern electricity system that meets Ontario's energy needs.</i></p> <p><i>We share the government's commitment to ratepayer value.</i></p> <p><i>We hope to continue discussions with the developer to arrive at a resolution fair to all parties.</i></p> <p><i>It/they mean negotiations had stalled and the OPA recognized the best next step for all parties involved – ratepayers, the developer and OPA – was to terminate the contract. The OPA decided to terminate the contract and the government indicated their support.</i></p>
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<p>Does this mean construction stops immediately?</p> <p>What kind of penalty does the developer face if they don't stop construction?</p> <p>Why did negotiations fail?</p> <p>How long did the OPA give it? How extensive have the discussions been?</p> <p>There's been strong and persistent opposition in other communities – Northern York Region for example, yet those plants are proceeding. Why are you stopping this one?</p> <p>What does “most appropriate way to allocate compensation</p>	<p>That is what the OPA asked and that is our expectation.</p> <p>The developer will not be able to recover its costs of ongoing construction. We expect Greenfield to stop construction.</p> <p>The OPA and the developer could not reach an agreement.</p> <p>I understand the OPA and developer have been speaking frequently for the past month.</p> <p>This is a unique case and these circumstances do not apply to other contracts or issues.</p> <p>It means that we will sit down together to determine how to share the cost of cancelling the contract, giving full recognition to ratepayer value and contractual obligations.</p>	<p><i>That is what we asked and that is our expectation.</i></p> <p><i>The developer will not be able to recover its costs of ongoing construction. We have asked them to stop and that it our expectation.</i></p> <p><i>We could not reach an agreement.</i></p> <p><i>We have been speaking frequently with the developer for the past month.</i></p> <p><i>This is a unique case and these circumstances do not apply to other contracts or issues.</i></p> <p><i>It means that we will sit down together to determine how to share the cost of cancelling the contract, giving full recognition to ratepayer value and contractual obligations.</i></p>
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<p>between the OPA and Crown” mean?</p> <p>Exactly how much is it going to cost to cancel this contract?</p> <p>How long will settlement negotiations take? Is there a drop-dead date?</p> <p>Are these letters precedent-setting? Has the Ministry or OPA sent similar letters before?</p> <p><u>Contract Termination</u></p> <p>Has the contract been terminated?</p>	<p>That has yet to be determined. The OPA is committed to resolving this matter with ratepayer value top of mind.</p> <p>The OPA will take the time necessary to come to a fair resolution.</p> <p>No. Such letters are not precedent-setting. Our government conducts business on behalf of the people of Ontario in an open and transparent manner.</p> <p><u>SCENARIO A</u></p> <p>No, however if negotiations are not successful, the OPA has notified Greenfield South that it is not proceeding with the contract. In the meantime, the OPA has asked Greenfield South to stop construction at the site.</p>	<p><i>We hope to start negotiations soon. We are committed to finding a fair resolution that upholds ratepayer value.</i></p> <p><i>We will take the time needed to find a fair solution.</i></p> <p><i>No. Such letters are not precedent-setting. Our agency conducts business on behalf of the people of Ontario. We do so in an open and transparent manner.</i></p> <p><i>No. We are in discussions with Greenfield South. We have notified them however that if our negotiations are not successful, we will not be proceeding with the contract. In the meantime, we have asked Greenfield South to stop construction at the site.</i></p>
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<p>Who terminated the contract?</p> <p>Why was the contract terminated? Were other solutions not viable?</p> <p>Did the OPA terminate the contract at the government's request?</p> <p>Why wasn't the contract terminated sooner?</p> <p>If the OPA is terminating the contract, how can you get the company to work with the OPA to relocate the site?</p>	<p><u>SCENARIO B AND C</u></p> <p>Following discussions with Greenfield South, OPA decided that not proceeding with the contract would best serve the public's interest.</p> <p>Contract negotiations are commercially sensitive. These discussions are confidential. We are confident the OPA is working in the best interests of Ontarians.</p> <p>The OPA, as the contract holder, has been in discussions with Greenfield South to resolve this matter in the best interests of Ontarians. Following discussions with Greenfield South, OPA decided that not proceeding with the contract best serves the public's interest. We support the OPA's decision.</p> <p>Discussions began as soon as they could between OPA and Greenfield South. This decision is the result of those discussions.</p> <p>The OPA will pursue further discussions with Greenfield South and we expect them to find a satisfactory resolution.</p>	<p><i>After pursuing discussions to reach a negotiated agreement, we have notified Greenfield South that the OPA will not proceed with the contract.</i></p> <p><i>Contract negotiations are commercially sensitive. These discussions are confidential. We will continue to negotiate in the best interests of Ontarians.</i></p> <p><i>The government has been clear that it is committed relocating the plant. Given the government's commitment, and following discussions with Greenfield South, we decided not proceeding with the contract was the appropriate next step.</i></p> <p><i>Our goal has been to resolve this matter in the best interests of Ontarians. We believe this decision best serves the public interest. Contract negotiations are commercial sensitive and we cannot say more than that.</i></p> <p><i>We initiated discussions with Greenfield South as soon as we received the Minister's letter asking us to begin discussions. Not proceeding with the contract is the result of these discussions.</i></p> <p><i>We will pursue further discussions with Greenfield South.</i></p>
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<p>Will Greenfield South be the company to build the relocated plant? Do you have assurances from them on that?</p> <p>Will you put this back out to tender?</p> <p>What is the process for finding another site?</p> <p>How come you've cancelled the plants in Mississauga and Oakville but not in Northern York Region?</p>	<p>The OPA will pursue further discussions with Greenfield South to find a satisfactory resolution.</p> <p>The OPA will pursue further discussions with Greenfield South to find a satisfactory resolution.</p> <p>The OPA is best able to answer this. We can confirm that the site selection will include public consultation.</p> <p>These are two very different situations. The OPA has advised that Southwest GTA's local reliability issues can be addressed through building transmission. Transmission projects were rejected by the people of Northern York Region, and a generating facility is required immediately in the region to meet North American standards for reliability.</p>	<p><i>We expect to continue discussions with Greenfield South and hope to reach a satisfactory resolution.</i></p> <p><i>We expect to continue discussions with Greenfield South and hope to reach a satisfactory resolution.</i></p> <p><i>This will require further consideration, but we will consider local generation needs and transmission and distribution support. Once options are identified, the public will be consulted.</i></p> <p><i>These are two very different situations. Southwest GTA's local reliability issues can be addressed through building transmission. Transmission projects were rejected by the people of Northern York Region, and a generating facility is required immediately in the region to meet North American standards for reliability.</i></p>
<p><u>Construction</u></p> <p>Now that the OPA has terminated the contract, will work stop at the site?</p>	<p>SCENARIO A</p> <p>My understanding is that the OPA has notified the developer that it is not proceeding with the contract. The OPA has asked the developer to stop work at the site.</p>	<p>SCENARIO A</p> <p><i>We have notified Greenfield South that we are not proceeding with the contract and asked Greenfield to stop construction. We have made it clear that Greenfield is financially liable if construction continues. We will pursue further discussions about stopping work at the site.</i></p>

<p>Will legislation be required to stop construction?</p> <p>Minister, your spokesperson said that legislation was not needed, is this true?</p>	<p>SCENARIO B & C</p> <p>My understanding is that the OPA has notified the developer that it is not proceeding with the contract. The OPA requires the developer to stop work at the site. Legislation is an option, however, the best option, and the one we are choosing at this time, is to have the OPA work with Greenfield South to find satisfactory resolution.</p> <p>It is our expectation the OPA and Greenfield South will work together to find a satisfactory resolution.</p> <p>The best option, and the one we are choosing at this time, is to have the OPA work with Greenfield South to find satisfactory resolution to the site.</p>	<p>SCENARIO B & C</p> <p><i>The government is best able to answer this question.</i></p> <p><i>We have notified Greenfield South that we are not proceeding with the contract. We have stated that we require Greenfield to stop construction. We have made it clear that Greenfield is financially liable if construction continues. We will pursue further discussions about stopping work at the site, and hope to reach a satisfactory resolution..</i></p> <p><i>The government is best able to answer this question.</i></p>
<p><u>Contract Value</u></p> <p>Why should anyone want to contract with OPA or government after this?</p> <p>What's the status of negotiations with TransCanada?</p>	<p>The government and our agencies have successful track records for negotiating and fulfilling contracts in the best interest of Ontario taxpayers. This is a unique case and these circumstances do not apply to other contracts or issues.</p> <p>Like any other business, energy partners work together to respond to changing conditions. Contracts are renegotiated or terminated on a small and large scale across businesses of all types.</p> <p>Discussions with TransCanada continue. We do not have an update at this time.</p>	<p><i>Our agency has a successful track record for negotiating and fulfilling contracts in the best interest of Ontario ratepayers.</i></p> <p><i>This is a unique case and these circumstances do not apply to other contracts or issues.</i></p> <p><i>Discussions with TransCanada continue. We do not have an update at this time.</i></p>

<p>Will the cost of these contract cancellations be made public knowledge at some time?</p>	<p>Our government is committed to conducting business in an open and transparent manner. We will provide what we can when we can.</p>	<p><i>Contracts are commercially sensitive. It is up to the developer to determine what they are willing to make public and when.</i></p>
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Fisher, Petra (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November-14-11 8:53 AM
To: Nutter, George (ENERGY)
Subject: Fw: Evening Update
Attachments: QA-repudiationNov13(letter release).Legal.730pm.doc

Duplicate attachment removed

Hi George - I've been working with CO and Legal since Wednesday on developing messages/media protocol for three potential scenarios re next steps on Greenfield. Most recent version attached. If there are additional changes today, Rula will be forwarding to you for input (I'm off today - Maddy has a couple of medical appts but will be on BB intermittently). I hope the attached is self-explanatory. I'll give you a call as soon as I can (probably 9:30ish).

Thank you.

Sent from my BlackBerry Wireless Handheld

From: Ted DeWelles <horatio@idirect.com>
To: Kovesfalvi, Sylvia (ENERGY)
Sent: Sun Nov 13 19:53:59 2011
Subject: Evening Update

(sending from home computer, which is in husband's name).

Cayley, Daniel (ENERGY)

From: Jennings, Rick (ENERGY)
Sent: November-14-11 9:34 AM
To: Perun, Halyna N. (ENERGY); Lindsay, David (ENERGY)
Cc: Silva, Joseph (ENERGY); Calwell, Carolyn (ENERGY); Sharkawi, Rula (ENERGY)
Subject: RE: Evening Update

A comment, page 8 "Will legislation be required to stop construction?" 2nd sentence says "The OPA requires the developer to stop work at the site." I don't believe that the OPA can actually require the developer to stop construction. The OPA ask the developer to stop and can say they won't contractually support the project anymore but they can't force the project construction to stop.

From: Perun, Halyna N. (ENERGY)
Sent: November 14, 2011 8:59 AM
To: Lindsay, David (ENERGY)
Cc: Jennings, Rick (ENERGY); Silva, Joseph (ENERGY); Calwell, Carolyn (ENERGY); Sharkawi, Rula (ENERGY)
Subject: FW: Evening Update

Privileged and Confidential

Latest Comms info - sent to CO last evening -

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
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From: Kovesfalvi, Sylvia (ENERGY)
Sent: November 13, 2011 7:59 PM
To: McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: Fw: Evening Update

Hi - all comments incorporated. Good to forward.

Sent from my BlackBerry Wireless Handheld

Cayley, Daniel (ENERGY)

From: Silva, Joseph (ENERGY)
Sent: November-14-11 9:51 AM
To: Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Subject: RE: Draft letter for review - Privileged and Confidential

Great, thanks very much Halyna.

From: Perun, Halyna N. (ENERGY)
Sent: November 14, 2011 9:49 AM
To: Silva, Joseph (ENERGY); Jennings, Rick (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Subject: FW: Draft letter for review - Privileged and Confidential

Privileged and Confidential

Hi Joseph – as per your request – this draft is the latest version of the proposed letter from the Minister to the OPA – I have not heard further as to whether this version is acceptable to the Minister or what has happened with it -

Re OPA letter to the Minister – you'll recall the original arrived on Thursday to MO – so we should all get a copy of it if possible

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
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From: Perun, Halyna N. (ENERGY)
Sent: November 11, 2011 2:20 PM
To: 'chrisbentley@liberal.ola.org'
Cc: MacLennan, Craig (ENERGY); Lindsay, David (ENERGY)
Subject: Draft letter for review - Privileged and Confidential

Privileged and Confidential

Minister – For your consideration, please see below the text for the proposed letter to the OPA, with the additional sentence highlighted. The addition picks up on the statement about compensation in the letter the OPA sent to you. This draft text with the addition has been approved by the Deputy Attorney General:

Dear Mr. Hinds:

In response to your letter of November 10, 2011 and in recognition that community opposition to the Greenfield South Generation Facility is ongoing and well documented, I am writing to acknowledge the OPA's efforts to negotiate with the developer of the facility, Greenfield South Power Corporation, with an aim to achieving a satisfactory resolution concerning the Mississauga site. The government remains committed to having the plant relocated.

I have given careful consideration to public statements, correspondence to the government and resolutions of the Council of the City of Mississauga. While full recognition must be given to rate-payer value and the fair treatment of contractual counterparties, as suggested in your letter, in light of the strong and persistent opposition to the plant, the government supports the OPA's decision to not proceed with the contract and any other appropriate commercial and other steps that the OPA must take in seeking to stop construction of the gas plant at its current location. **I will be engaging my colleagues in any dialogue with you on the most appropriate way to allocate compensation between the OPA and the Crown.**

The circumstances in Mississauga are unique. The government remains committed to a strong, stable supply of electricity for Ontario and continued support of those making investments in Ontario's electricity system.

Sincerely,

Chris Bentley,
Minister

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
BB: (416) 671-2607
E-mail: Halyna.Perun2@ontario.ca

Notice

This communication may be solicitor/client privileged and contain confidential information intended only for the person(s) to whom it is addressed. Any dissemination or use of this information by others than the intended recipient(s) is prohibited. If you have received this message in error please notify the writer and permanently delete the message and all attachments. Thank you.

Fisher, Petra (ENERGY)

From: Silva, Joseph (ENERGY)
Sent: November-14-11 10:02 AM
To: Lindsay, David (ENERGY)
Subject: Re: Erika's questions

Okay, thanks Deputy. We'll see you this PM.

Sent using BlackBerry Wireless

From: Lindsay, David (ENERGY)
To: Silva, Joseph (ENERGY)
Sent: Mon Nov 14 09:59:28 2011
Subject: Re: Erika's questions

Thanks Joseph,

Craig is asking me to join a 1:30 meeting with Jamison Steeve to discuss other options on this file.

I guess I'm not going out to Durham region today.

David

From: Silva, Joseph (ENERGY)
To: Lindsay, David (ENERGY)
Sent: Mon Nov 14 09:49:33 2011
Subject: Erika's questions

Fyi

From: Kulendran, Jesse (ENERGY)
Sent: November 14, 2011 9:33 AM
To: Silva, Joseph (ENERGY)
Subject: FW: ASAP
Importance: High

Looping ...

From: Botond, Erika (ENERGY)
Sent: November 14, 2011 9:14 AM
To: Sharkawi, Rula (ENERGY); Kulendran, Jesse (ENERGY)
Cc: Kett, Jennifer (OPO); Dunn, Ryan (ENERGY)
Subject: RE: ASAP
Importance: High

Hi Rula and Jesse – I'm going through the Q and A – assume we are supposed to be using the clean version?

We need to discuss a strategy. Do we release and be proactive? Do we manage and be reactive?

Have these options been a part of the discussion with CO?

Based on the things the company can do when they get this letter what happens ...

Will they play nice, tools down?

Will they issue a release to say this is ridiculous?

We need to discuss with the OPA also.

Can we please chat this morning at 10 AM and also set up a call with Kristin and the OPA following that please.

Kett – do you have time to join us also?

Thx,
Erika

From: MacLennan, Craig (ENERGY)
Sent: November 12, 2011 2:52 PM
To: Botond, Erika (ENERGY); Kett, Jennifer (OPO)
Subject: Fw: ASAP

Fyi.

From: Lindsay, David (ENERGY)
To: MacLennan, Craig (ENERGY)
Cc: Silva, Joseph (ENERGY); Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY)
Sent: Sat Nov 12 14:49:47 2011
Subject: Fw: ASAP

Hi Craig,

Just received this update from Halyna at legal on the communications preparations to date. I have asked Rula and the team to get ready for a new wave of media interest.

David

From: Perun, Halyna N. (ENERGY)
To: Lindsay, David (ENERGY)
Cc: Sharkawi, Rula (ENERGY)
Sent: Sat Nov 12 14:42:22 2011
Subject: Fw: ASAP

Hi Deputy - the attached went to CO yesterday aft - it will need to be finalized once we're clear whether OPA is proceeding w one step vs two-step approach - this was noted by Sylvia - I believe this would be the most up to date comms strategy we have - co took the lead on it til now - but you will see we noted that we need to anticipate that the opa and min's letters could be made public and we need a comms strategy for that. A huddle Mon morning would be a good idea - I could be available before that if needed -

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

Sent using BlackBerry

From: Kovesfalvi, Sylvia (ENERGY)
To: McMichael, Rhonda (CAB); Sharkawi, Rula (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Sent: Fri Nov 11 15:37:52 2011
Subject: ASAP

Hi –

See Legal's response below. There are several approaches under discussion – nothing has been decided yet. In light of this, we have added an additional question to the chart (also reflected in messaging), in case we take the two-step approach (OPA sends 1st letter saying we'd like to negotiate, pls stop work while we do so, followed by 2nd letter saying negotiations haven't been successful, you haven't stopped working, we are not proceeding with contract).

Note: the OPA has sent the Minister a letter (our legal folks haven't seen it). The Minister is expected to send OPA a letter in response. It has not been sent yet – and there's no definitive timeline.

There is discussion to release these letters publicly. If that happens, Legal has advised we'll need a coms strategy. I've indicated that content/objective of letters and method of release will determine coms strategy (Rhonda – have you seen letters? Is this something CO/Greenfield working group is discussing?)

Attached are two versions of the chart: tracked with OPA's suggested change as noted in Halyna's email and below, and the additional QA/messaging in case a 2-step approach is adopted.

We have notified Eastern that we are not proceeding with the contract and advised Eastern to stop construction. We have made it clear that Eastern is financially liable if construction continues. We will pursue further discussions about stopping work at the site.

Note: Legal has advised that only the OPA should communicate the reference to financial liability. So this is only in OPA's response track.

I'll be off-line for the next couple of hours (driving).

From: Perun, Halyna N. (ENERGY)
Sent: November 11, 2011 2:45 PM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: Calwell, Carolyn (ENERGY); King, Ryan (ENERGY)
Subject: RE: ASAP

Privileged and Confidential

Hi - Re CO's comment – the OPA added to this line:

We have notified Eastern that we are not proceeding with the contract and advised Eastern to stop construction. We have made it clear that Eastern is financially liable if construction continues. We will pursue further discussions about stopping work at the site.

So – that should address CO concerns. I have reviewed this with OPA General Counsel and this is what he advises could be added.

As you and I have discussed, the “who says what” chart is written from the point of view that the contract is terminated.

This chart applies once the OPA actually sends a letter of termination to Eastern.

However, my understanding from OPA General Counsel is that it remains undecided whether this is the approach that will be taken. Another approach (which he believes will be the approach) is what we refer to as the “two step approach” whereby:

(1) First letter from the OPA to go to Eastern would say

- OPA continues to desire reaching a mutual agreement to terminate the contract and negotiate terms of a new contract for a facility in a different location
- If these negotiations are not successful, OPA will not proceed with the Contract

(2) Second letter would follow a few days later should negotiations continue to fail – that now the contract is terminated.

So – the attached chart does not address the two-step approach.

To address the two-step, you'd need to build in a Q and A something like following:

Q. Has the contract been terminated?

A. No, but should negotiations not be successful, the OPA has notified Eastern Power that it is not proceeding with the contract.

A. In the meantime, the OPA has requested Eastern Power to stop construction at the site.

Also please note: – there has been discussion today about the public release of the two letters – one from the OPA to the Minister and the expected letter from the Minister to the OPA (not yet sent). There needs to be a communications strategy developed pertaining to these two letters should it be desired to release them.

Thanks Sylvia

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
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E-mail: Halyna.Perun2@ontario.ca

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From: Kovesfalvi, Sylvia (ENERGY)
To: King, Ryan (ENERGY); Calwell, Carolyn (ENERGY)
Sent: Fri Nov 11 11:11:20 2011
Subject: ASAP

Hi - pls provide comment asap - thank you.

Sent from my BlackBerry Wireless Handheld

From: McMichael, Rhonda (CAB)
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)

Sent: Fri Nov 11 10:58:10 2011

Subject: Fw:

Hi Rula and Sylvia -- see below -- Giles changes to pass thru policy/legal and also answers to a couple of follow-up qs. Thanks -- let me know if you have questions.

From: McMichael, Rhonda (CAB)

To: Gherson, Giles (CAB)

Cc: Lindsay, David (ENERGY); Betzner, Lynn (CAB)

Sent: Fri Nov 11 10:56:21 2011

Subject: Re:

Thanks Giles -- I think we'll need an answer to a follow-up question or two as well.

Does that mean work is going to stop immediately? What if it doesn't?

I'll work with Energy to craft.

From: Gherson, Giles (CAB)

To: McMichael, Rhonda (CAB)

Cc: Lindsay, David (ENERGY)

Sent: Fri Nov 11 10:03:14 2011

Subject: RE:

Thanks Rhonda,

I think this is all fine except for the response to the question about stopping work. I think it is far too weak. It reads:

We have notified Eastern that we are not proceeding with the contract. We will pursue further discussions about stopping work at the site.

I think we need to be messaging that we expect construction at this site to stop immediately while we pursue further discussions about relocating the plant.

Giles

416.325.3759 (o)

416.587.0983 (c)

From: McMichael, Rhonda (CAB)

Sent: November 11, 2011 6:32 AM

To: 'kristin.jenkins@powerauthority.on.ca'; 'colin.andersen@powerauthority.on.ca'; Lindsay, David (ENERGY); Wallace, Peter (FIN); Livingston, David (IO); 'abirchenough@cogeco.ca'; Mayman, Gadi (OFA); Imbrogno, Serge (OFA); Segal, Murray (JUS)

Cc: Gherson, Giles (CAB); Betzner, Lynn (CAB); Sharkawi, Rula (ENERGY); Hume, Steen (CAB)

Subject: Fw:

Please find attached revised q/a with OPA recommended changes, approved by Energy policy and legal. (The attachments include both track changes and clean versions).

From: Kovesfalvi, Sylvia (ENERGY)
To: McMichael, Rhonda (CAB)
Cc: Sharkawi, Rula (ENERGY)
Sent: Thu Nov 10 20:57:46 2011
Subject:

Hi – attached are Legal's and policy's suggestions (in tracked version). See Legal's explanation below.

Also attached is a clean copy, accepting Legal, policy's and OPA's changes.

From: Calwell, Carolyn (ENERGY)
Sent: November 10, 2011 6:21 PM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: King, Ryan (ENERGY)
Subject: FW: Urgent: 4:00 PM Meeting

Apologies for my delay – please see suggestions in the attached.

By way of explanation, rather than refer to the government's intention, proposed correspondence refers to the government's commitment to relocate the plant. Rather than say that the OPA "will seek further discussions" with Eastern, I would suggest that the "OPA will pursue" – which is a bit vaguer and more optimistic.

Carolyn

From: McMichael, Rhonda (CAB)
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Sent: Thu Nov 10 16:01:05 2011
Subject: FW: 4:00 PM Meeting

Can you take a look and pass thru your legal? thanks.

From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]
Sent: November 10, 2011 3:22 PM
To: abirchenough@cogeco.ca; Colin Andersen; Lindsay, David (ENERGY); Michael Lyle; JoAnne Butler; Imbrogno, Serge (OFA); Mayman, Gadi (OFA); Segal, Murray (JUS); Livingston, David (IO); Betzner, Lynn (CAB); Wallace, Peter (FIN); Hume, Steen (CAB); McMichael, Rhonda (CAB)
Cc: Amaral-Costa, Maria (CAB)
Subject: RE: 4:00 PM Meeting

Attached are OPA's proposed revisions to the messaging and Qs and As circulated yesterday.

Kristin

Kristin Jenkins | Vice President, Corporate Communications | **Ontario Power Authority** | 120 Adelaide Street West, Suite 1600 | Toronto, ON M5H 1T1 | tel. 416.969.6007 | fax. 416.967.1947 | www.powerauthority.on.ca

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Cayley, Daniel (ENERGY)

From: MacNaughton, Catherine (JUS)
Sent: November-14-11 10:03 AM
To: Rehob, James (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY)
Subject: RE: Instructions, Greenfield South Bill

Thanks James. Tara Partington is shadowing me on this file and will take it over when I leave next month. I will be forwarding what you sent me to her as well as all drafts. If you remember, please cc her on emails to me.

thanks

Catherine Macnaughton
Legislative Counsel
Office of Legislative Counsel
3600-99 Wellesley Street West
Toronto, Ontario M7A 1A2
phone: (416) 326-2787
fax: (416) 326-2806
email: catherine.macnaughton@ontario.ca

From: Rehob, James (ENERGY)
Sent: November 10, 2011 19:48
To: MacNaughton, Catherine (JUS)
Cc: Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY)
Subject: Instructions, Greenfield South Bill

Privileged & Confidential Legal Advice / Solicitor & Client Privileged

November 10, 2011

Good evening, Catherine! I hope you had a terrific long weekend! I attach what are my first (very rough and bare) instructions on your very good first draft of the above-noted Bill. The password is the same as that first assigned to this file, and I will send this to you again out of an abundance of caution.

Please feel free to contact me on (x.56676) should you wish to discuss. I will also leave you with my home telephone number and cell number below, in case you should need it throughout this project:

-Home: (905) 426-7839 (Ajax)
-Cell: (647) 218-3964

Thank you!

James

James P. H. Rehob
Senior Counsel
Ministry of Energy and
Ministry of Infrastructure
Legal Services Branch
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Tel: 416-325-6676

Fax: 416-325-1781
james.rehob@ontario.ca

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Cayley, Daniel (ENERGY)

From: Kulendran, Jesse (ENERGY)
Sent: November-14-11 10:53 AM
To: Lindsay, David (ENERGY); Jennings, Rick (ENERGY); Perun, Halyna N. (ENERGY)
Cc: Silva, Joseph (ENERGY)
Subject: OPA's Letter to Minister
Attachments: OPA letter to Minister - 10 NOV 2011.pdf

For our records, here's a copy of the final that came in.

Jesse Kulendran · Senior Coordinator, Policy & Special Projects
Office of the Deputy Minister · Ministry of Energy
Tel.: 416-327-7025 · Blackberry: 416-206-1394



120 Adelaide Street West
Suite 1600
Toronto, Ontario M5H 1T1

T 416-967-7474
F 416-967-1947

www.powerauthority.on.ca

November 10, 2011

Minister Christopher Bentley
Office of the Minister
Ministry of Energy
4th Floor, Hearst Block
900 Bay Street
Toronto, Ontario
M7A 2E1

Dear Minister:

I am writing to you on behalf of the Ontario Power Authority's (OPA) Board of Directors with respect to the Greenfield South Power Plant, which the Ministry of Energy procured in 2004. The OPA was subsequently directed to enter into a contract with Greenfield and is now the sole counterparty. The Board clearly understands the government's intention to relocate the plant as outlined in your letter to the OPA on October 24, 2011. The purpose of this letter is to ensure that the government's intention is met.

The OPA Board of Directors takes very seriously its responsibilities to our contract counter-parties. Like the provincial government, we would like to achieve a resolution for the Greenfield South plant that provides both fair treatment to the counterparty and Ontario ratepayers. We also think it is important that electricity developers generally continue to have confidence to invest in Ontario and that gas-fired generation continues to be accepted as an important, cost-effective and safe part of the province's electricity supply mix. At the same time, we recognize the public concern about the location of this plant and public requests that construction of the plant stop.

After receiving your October 24th letter, the OPA commenced discussions with Greenfield South. To date, the OPA's preferred approach has been to reach an agreement with Greenfield South to stop construction and negotiate an arrangement to relocate the plant or terminate the contract. Since then, it has become clearer that Greenfield South may not agree to such an approach. In light of this, the logical next step appears to be to notify Greenfield South that the OPA will not be proceeding with the contract.

I wish to assure you that, even after taking this step, the OPA will seek to continue discussions with Greenfield South to arrive at an agreement on appropriate compensation. Given our shared interest in ratepayer value, the board would then also like to commence a dialogue with you on the most appropriate way to allocate the compensation between the OPA and the Crown.

I look forward to your reply.

Yours sincerely,

Jim Hinds
Chair

Cayley, Daniel (ENERGY)

From: King, Ryan (ENERGY)
Sent: November-14-11 10:56 AM
To: Calwell, Carolyn (ENERGY)
Subject: Re: Greenfield deck

I have the draft into Rick. I'll follow up with him

----- Original Message -----

From: Calwell, Carolyn (ENERGY)
To: King, Ryan (ENERGY)
Sent: Mon Nov 14 10:54:43 2011
Subject: Greenfield deck

Hi - would you please send me what you have? DMO looking for draft early this aft.

Carolyn

Cayley, Daniel (ENERGY)

From: McMichael, Rhonda (CAB)
Sent: November-14-11 10:59 AM
To: Kovesfalvi, Sylvia (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: RE: Evening Update

Importance: High

Hi all -- please see attached changes to messaging from CO Policy (DM Gherson) below. Could you ps confirm there are no issues. If you could make the changes and send revised version -- thanks. (it's "will not be" in the first scenario "is not" in the second.)

Scenario A (2 step):

The OPA is in negotiations with Greenfield South.

I understand the OPA has notified Greenfield South that it will not be proceeding with the contract.

In the meantime, the OPA has asked Greenfield South to stop construction at the site.

SCENARIO B - If Contract is Terminated

I understand the OPA has had discussions with the developer -- Greenfield South. The OPA has notified Greenfield that the OPA is not proceeding with the contract.

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November 13, 2011 7:59 PM
To: McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: Fw: Evening Update

Hi - all comments incorporated. Good to forward.

Sent from my BlackBerry Wireless Handheld

From: Ted DeWelles <horatio@idirect.com>
To: Kovesfalvi, Sylvia (ENERGY)
Sent: Sun Nov 13 19:53:59 2011
Subject: Evening Update

Unrelated content removed

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-14-11 10:58 AM
To: King, Ryan (ENERGY)
Subject: Re: Greenfield deck

Please just send. I have further legal issues to address.

----- Original Message -----

From: King, Ryan (ENERGY)
To: Calwell, Carolyn (ENERGY)
Sent: Mon Nov 14 10:56:23 2011
Subject: Re: Greenfield deck

I have the draft into Rick. I'll follow up with him

----- Original Message -----

From: Calwell, Carolyn (ENERGY)
To: King, Ryan (ENERGY)
Sent: Mon Nov 14 10:54:43 2011
Subject: Greenfield deck

Hi - would you please send me what you have? DMO looking for draft early this aft.

Carolyn

Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November-14-11 11:07 AM
To: King, Ryan (ENERGY)
Cc: Nutter, George (ENERGY)
Subject: Fw: Evening Update

Importance: High

Pls let george nutter know if you have any concerns asap. (I'm out of office today) so he'll be making next set of revisions.

Sent from my BlackBerry Wireless Handheld

From: McMichael, Rhonda (CAB)
To: Kovesfalvi, Sylvia (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Sent: Mon Nov 14 10:58:58 2011
Subject: RE: Evening Update

Hi all -- please see attached changes to messaging from CO Policy (DM Gherson) below. Could you ps confirm there are no issues. If you could make the changes and send revised version -- thanks. (it's "will not be" in the first scenario "is not" in the second.)

Scenario A (2 step):

The OPA is in negotiations with Greenfield South.

I understand the OPA has notified Greenfield South that it will not be proceeding with the contract.

In the meantime, the OPA has asked Greenfield South to stop construction at the site.

SCENARIO B - If Contract is Terminated

I understand the OPA has had discussions with the developer – Greenfield South. The OPA has notified Greenfield that the OPA is not proceeding with the contract.

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November 13, 2011 7:59 PM
To: McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: Fw: Evening Update

Hi - all comments incorporated. Good to forward.

Sent from my BlackBerry Wireless Handheld

From: Ted DeWelles <horatio@idirect.com>
To: Kovesfalvi, Sylvia (ENERGY)

Sent: Sun Nov 13 19:53:59 2011

Subject: Evening Update

Unrelated content removed

Fisher, Petra (ENERGY)

From: Jennings, Rick (ENERGY)
Sent: November-14-11 11:09 AM
To: King, Ryan (ENERGY)
Subject: FW: Evening Update
Attachments: QA-repudiationNov13(letter release).Legal.730pm.doc

Duplicate attachment removed

From: Perun, Halyna N. (ENERGY)
Sent: November 14, 2011 8:59 AM
To: Lindsay, David (ENERGY)
Cc: Jennings, Rick (ENERGY); Silva, Joseph (ENERGY); Calwell, Carolyn (ENERGY); Sharkawi, Rula (ENERGY)
Subject: FW: Evening Update

Privileged and Confidential

Latest Comms info - sent to CO last evening -

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
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From: Kovesfalvi, Sylvia (ENERGY)
Sent: November 13, 2011 7:59 PM
To: McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: Fw: Evening Update

Hi - all comments incorporated. Good to forward.

Sent from my BlackBerry Wireless Handheld

Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: November-14-11 11:15 AM
To: Botond, Erika (ENERGY)
Cc: Kulendran, Jesse (ENERGY); Silva, Joseph (ENERGY); Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY)
Subject: FW: Greenfield
Attachments: Greenfield South Letters - Letterhead - November 11 2011 - reworded.wbk; greenest2011_english-(custom)verysmall.gif

Duplicate attachment removed/gif attachment is image below

Privileged and Confidential

As requested – proposed letters from the OPA to Eastern

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
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From: Nimi Visram [<mailto:Nimi.Visram@powerauthority.on.ca>]
Sent: November 11, 2011 1:54 PM
To: Perun, Halyna N. (ENERGY)
Cc: Michael Lyle
Subject: Greenfield

Mike asked that I forward the attached to your attention.

Thnx
Nimi

Nimi Visram | Ontario Power Authority | Executive Assistant & Board Coordinator, to General Counsel & Vice President, Legal, Aboriginal and Regulatory Affairs

120 Adelaide St W., Suite 1600 | Toronto, Ontario, M5H 1T1

☎ Phone: 416.969.6027 | 📠 Fax: 416.969.6383 | ✉ Email: nimi.visram@powerauthority.on.ca

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Cayley, Daniel (ENERGY)

From: Brown, Meredith (JUS)
Sent: November-14-11 11:25 AM
To: Perun, Halyna N. (ENERGY)
Cc: Wong, Taia (JUS); Wilson, Malliha (JUS); Lung, Ken (JUS); Di Ciano, Sandra (JUS)
Subject: RE: Draft letter for review - Privileged and Confidential

Thanks – DAG may wish to speak with you shortly.

From: Perun, Halyna N. (ENERGY)
Sent: November 14, 2011 11:19 AM
To: Brown, Meredith (JUS)
Cc: Wong, Taia (JUS); Wilson, Malliha (JUS); Lung, Ken (JUS)
Subject: FW: Draft letter for review - Privileged and Confidential

Privileged and Confidential

What I understand is to be the version of the proposed Minister's letter to the OPA – please see email below sent on Friday to Minister Bentley:

Directly below is the text of the letter that went to the Minister from the OPA:

Privileged and Confidential

Text of Letter from the OPA:

Dear Minister:

I am writing to you on behalf of the Ontario Power Authority's (OPA) Board of Directors with respect to the Greenfield South Power Plant, which the Ministry of Energy procured in 2004. The OPA was subsequently directed to enter into a contract with Greenfield and is now the sole counterparty. The Board clearly understands that the government's intention is to relocate the plant as outlined in your letter to the OPA on October 24, 2011. The purpose of this letter is to ensure that the government's intention is met.

The OPA Board of Directors takes very seriously its responsibilities to our contract counter-parties. Like the provincial government, we would like to achieve a resolution for the Greenfield South plant that provides both fair treatment to the counterparty and Ontario ratepayers. We also think it is important that electricity developers generally continue to have confidence to invest in Ontario and that gas-fired generation continues to be accepted as an important, cost-effective and safe part of the province's electricity supply mix. At the same time, we recognize the public concern about the location of this plant and public requests that construction of the plant stop.

After receiving your October 24th letter, the OPA commenced discussions with Greenfield South. To date, the OPA's preferred approach has been to reach an agreement with Greenfield South to stop construction and negotiate an arrangement to relocate the plant or terminate the contract. Since then, it has become clear that Greenfield South may not agree to such an approach. In light of this, the logical next step appears to be to notify Greenfield South that the OPA will not be proceeding with the contract.

I wish to assure you that, even after taking this step, the OPA will seek to continue discussions with Greenfield South to arrive at an agreement on appropriate compensation. Given our shared interest in ratepayer value,

the board would then also like to commence a dialogue with you on the most appropriate way to allocate the compensation between the OPA and the Crown.

I look forward to your reply.

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
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From: Perun, Halyna N. (ENERGY)
Sent: November 11, 2011 2:20 PM
To: 'chrisbentley@liberal.ola.org'
Cc: MacLennan, Craig (ENERGY); Lindsay, David (ENERGY)
Subject: Draft letter for review - Privileged and Confidential

Privileged and Confidential

Minister – For your consideration, please see below the text for the proposed letter to the OPA, with the additional sentence highlighted. The addition picks up on the statement about compensation in the letter the OPA sent to you. This draft text with the addition has been approved by the Deputy Attorney General:

Dear Mr. Hinds:

In response to your letter of November 10, 2011 and in recognition that community opposition to the Greenfield South Generation Facility is ongoing and well documented, I am writing to acknowledge the OPA's efforts to negotiate with the developer of the facility, Greenfield South Power Corporation, with an aim to achieving a satisfactory resolution concerning the Mississauga site. The government remains committed to having the plant relocated.

I have given careful consideration to public statements, correspondence to the government and resolutions of the Council of the City of Mississauga. While full recognition must be given to rate-payer value and the fair treatment of contractual counterparties, as suggested in your letter, in light of the strong and persistent opposition to the plant, the government supports the OPA's decision to not proceed with the contract and any other appropriate commercial and other steps that the OPA must take in seeking to stop construction of the gas plant at its current location. **I will be engaging my colleagues in any dialogue with you on the most appropriate way to allocate compensation between the OPA and the Crown.**

The circumstances in Mississauga are unique. The government remains committed to a strong, stable supply of electricity for Ontario and continued support of those making investments in Ontario's electricity system.

Sincerely,

Chris Bentley,
Minister

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
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Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-14-11 11:29 AM
To: McMichael, Rhonda (CAB); Kovesfalvi, Sylvia (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: RE: Evening Update

That change is appropriate.

Carolyn

Carolyn Calwell
Deputy Director
Ministry of Energy & Ministry of Infrastructure
Legal Services Branch
Ministry of the Attorney General
777 Bay Street, Suite 425
Toronto ON M5G 2E5
416.212.5409

From: McMichael, Rhonda (CAB)
Sent: November 14, 2011 10:59 AM
To: Kovesfalvi, Sylvia (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: RE: Evening Update
Importance: High

Hi all -- please see attached changes to messaging from CO Policy (DM Gherson) below. Could you ps confirm there are no issues. If you could make the changes and send revised version -- thanks. (it's "will not be" in the first scenario "is not" in the second.)

Scenario A (2 step):

The OPA is in negotiations with Greenfield South.

I understand the OPA has notified Greenfield South that it will not be proceeding with the contract.

In the meantime, the OPA has asked Greenfield South to stop construction at the site.

SCENARIO B - If Contract is Terminated

I understand the OPA has had discussions with the developer -- Greenfield South. The OPA has notified Greenfield that the OPA is not proceeding with the contract.

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November 13, 2011 7:59 PM
To: McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: Fw: Evening Update

Hi - all comments incorporated. Good to forward.

Sent from my BlackBerry Wireless Handheld

From: Ted DeWelles <horatio@idirect.com>

To: Kovesfalvi, Sylvia (ENERGY)

Sent: Sun Nov 13 19:53:59 2011

Subject: Evening Update

Unrelated content removed

Fisher, Petra (ENERGY)

From: Kulendran, Jesse (ENERGY)
Sent: November-14-11 11:34 AM
To: Lindsay, David (ENERGY)
Cc: Silva, Joseph (ENERGY)
Subject: RE: Gas Plant Siting

Craig just asked us to brush off the materials and brief the M on this tomorrow. We'll work on that and connect w/ you when you're back.

Thanks, J

From: Lindsay, David (ENERGY)
Sent: November 14, 2011 11:11 AM
To: Kulendran, Jesse (ENERGY)
Cc: Silva, Joseph (ENERGY)
Subject: Re: Gas Plant Siting

Thanks.

I knew we had done work on this but have not spent any time diving deep on it or thinking about next steps. My suspicion is that this will gain momentum as the Mississauga story unfolds.

I plan to be in the office by 12:30 so hopefully will have time to review before the 1:30 meeting.

Thanks again,

David

From: Kulendran, Jesse (ENERGY)
To: Lindsay, David (ENERGY)
Cc: Silva, Joseph (ENERGY)
Sent: Mon Nov 14 11:07:46 2011
Subject: Gas Plant Siting

Morning Deputy,

Attached is the gas plant siting deck that we developed for transition. We were supposed to brief the M on this last week but it got bumped by the current file.

The deck provides an overview of siting challenges and approaches other jurisdictions have used.

It provides options on next steps – including launching a public review. I believe we have communications products on the shelf for this, but can double check.

-Jesse

Fisher, Petra (ENERGY)

From: Silva, Joseph (ENERGY)
Sent: November-14-11 11:47 AM
To: Lindsay, David (ENERGY)
Subject: Fw: 2011-11-14 Minister's Statement.DOC
Attachments: 2011-11-14 Minister's Statement.DOC

Hi deputy - MO has asked for draft statement Minister can release. Text below is consistent with one-step approach. We'll be discussing with MO in a follow-up call in a few mins.

The Ontario Power Authority (OPA) has informed the government that it will not proceed with the Greenfield South Power Corporation contract and the OPA has asked Greenfield to stop construction at the Mississauga site.

The Ontario government is supportive of this decision and is committed to continuing progress and taking action toward relocating the plant.

We will continue to ensure that the best interests of Ontario's communities and ratepayers remains the primary priority, and will keep the public informed of further progress.

Sent using BlackBerry Wireless

----- Original Message -----

From: Nutter, George (ENERGY)
To: Silva, Joseph (ENERGY)
Sent: Mon Nov 14 11:45:06 2011
Subject: Fw: 2011-11-14 Minister's Statement.DOC

George Nutter
Manager, Energy Communications
Communications Branch
Ministry of Energy &
Ministry of Infrastructure
416-326-9602 Queen's Park
647-220-1183 Mobile

Sent from my BlackBerry® wireless device

----- Original Message -----

From: Nutter, George (ENERGY)
To: Calwell, Carolyn (ENERGY)
Sent: Mon Nov 14 11:39:59 2011
Subject: 2011-11-14 Minister's Statement.DOC

<<2011-11-14 Minister's Statement.DOC>>

**ONTARIO NOT PROCEEDING WITH
GREENFIELD SOUTH GENERATION FACILITY***Statement by Chris Bentley, Minister of Energy*

November 14, 2011

The Ontario Power Authority (OPA) has informed the government that it will not proceed with the Greenfield South Power Corporation contract and the OPA has asked Greenfield to stop construction at the Mississauga site.

The Ontario government is supportive of this decision and is committed to continuing progress and taking action toward relocating the plant.

We will continue to ensure that the best interests of Ontario's communities and ratepayers remains the primary priority, and will keep the public informed of further progress.

For media inquiries call:

Erika Botond, Minister's Office, 416-327-4418

erika.botond@ontario.ca

Paul Gerard, Communications Branch, 416-327-7726

Paul.gerard@ontario.ca

ontario.ca/energy-news

Disponible en français

For public inquiries call:

1-888-668-4636 TTY: 1-800-239-4224

Cayley, Daniel (ENERGY)

From: Rehob, James (ENERGY)
Sent: November-14-11 11:48 AM
To: King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY)
Subject: RE: Greenfield South - Questions

No problem, Ryan – I'll work your good answers into the next draft (that should give Rick ample time to add his excellent thoughts in while still keeping us moving forward!)

Thanks, and I'll likely be in touch later on this afternoon to touch base!
James

From: King, Ryan (ENERGY)
Sent: November 14, 2011 11:42 AM
To: Rehob, James (ENERGY)
Subject: FW: Greenfield South - Questions

Hi James,
This is in with Rick so there may be further changes. However in the interest of time, I'm sending your way.

From: King, Ryan (ENERGY)
Sent: November 10, 2011 4:43 PM
To: Jennings, Rick (ENERGY)
Subject: RE: Greenfield South - Questions

Rick, my comments in red. Please let me know what you think

From: Rehob, James (ENERGY)
Sent: November 10, 2011 4:27 PM
To: King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY)
Subject: Greenfield South - Questions

Privileged & Confidential / Solicitor & Client Privileged

November 10, 2011

Hi, Ryan – In connection with our conversation, here are some questions we need your assistance with:

1. Confirmation of site/municipal address: We have it as "Lot 3, Concession 1, in Municipality of Mississauga, municipal address: 2315 Loreland Avenue; (yes)"
2. Description of project: Currently, the description for the project reads: "'project' means the Greenfield South Power Project undertaken by the Corporation on the site" and site has a description related to the above-noted land description/municipal address; – are there any other elements of the project which you wish us to capture as part of the "project" – e.g. any related facilities, equipment, buildings, lands or structures not necessarily captured by the bolded language above but which you want us to capture in order to cease or halt activity? **The plant is a natural gas-fired combined cycle electricity generating facility with a capacity of 280 MW. We should use the OPA contract as the basis for legal reference.**
3. Other structures on, improvements to, the land –

- a. Do you want to (i) maintain the structures that are both related and unrelated to the project? Do you just want those structures unrelated to the project? (fencing, lighting, storage buildings on site that are not directly project-related - not sure what they'd be but we put the question forward. Put another way, should land be completely cleared or remain "as is" at the time construction ceases. (I believe it's been referenced as restoring the site to its pre-construction condition)
 - b. Electricity-related equipment/installation – do we know what transmission-connection or other equipment are now on-site? Is all such equipment to be removed? This could be confirmed and verified in discussions with the proponent but all equipment would need to be removed to ensure the pre-construction condition is met.
 - c. Are there other structures on adjacent property, on the street (hydro poles, sewer/water manes, etc.) which need to be dealt with? (removed?); only insofar as those structures were required or added to support the proposed plant.
 - d. Confirm whether our approach of leaving all municipal services (electrical, water, sewage) in place to the extent those services have been provided. Can you assist in helping us confirm whether such services are now in place? We would need to determine what infrastructure was in place prior to construction.
4. Remediation of the land: in line with the above, is it the intention that the land be returned to its "pre-remediation stage" (yes) or will the construction simply be expected to cease and the land left "as is" (e.g. with the partial construction-related improvements remaining). If the latter, this will likely form part and parcel of "sunk costs" where there might be some salvage or alternative use value that the developer might be expected to provide for itself (e.g. to sell to another project-developer, to return to the supplier, to put to an alternative use (doubtful) – I gather any salvage value would be quite low but we have to consider).
 5. Currently, the legislative draft differentiates between the "generation facility" (e.g. turbines, equipment, etc.) and the "land" (real property) on which the generation facility is located. This is to reflect the fact that the turbines and equipment may well be relocated to another site, and the site put to an alternative, more environmentally benign use. Let us know if at first blush this approach causes any problems from the information or policy instructions you have for us at this time. Obviously we understand that the policy is still maturing. (No concerns for now)
 6. Financing – did the OPA or any other entity (e.g. the Crown) provide "up front" financing that needs to be repaid to the Crown? On this point, we understand that the main financiers are "EIG" and "Credit Swiss"- can you confirm – are there any additional lenders? (Our understanding is that these were the sole lenders)
 7. Follow-on Contracts: The main contract between the OPA and Greenfield South Power Co. is obviously the main target. However, significant liability will arise under the many follow-on contracts including with sub-contractors, contracts for equipment, installation of gas line and provision of natural gas, other related suppliers. Is there any policy decision on whether or not to compensate suppliers for the loss or termination of those contracts? (this should be taken into consideration as 'sunk costs' in discussions with Eastern power) (We will be looking at these issues closely with CLOC but your directional advice at this point is important for us to keep the Bill moving forward). Termination of all contracts can give rise to several types of liability including (i) liability for sunk costs which we are addressing; (ii) liability for lost revenue (no instructions yet – can you confirm position on same?) (iii) liability based on the penalty/default and other discipline provisions contained in the follow-on contracts (do you have any policy instructions on whether these are to be addressed? Of course the positions Energy takes may have to be modified once we run the issues and the drafts of this Bill by CLOC who have to consider wider Government implications).
 8. Note re. Date/Timing: The current draft uses "April 12, 2005" (which is the date of the restated contract entered into between the OPA and Greenfield South as the trigger date). We are exploring whether we need to take the date back further (e.g. date at which the RFP was issued). Do you have any thoughts or instructions on this?

Kind regards,

James

James P. H. Rehob

Senior Counsel

Ministry of Energy and

Ministry of Infrastructure

Legal Services Branch

777 Bay Street, 4th Floor, Suite 425

Toronto, ON M5G 2E5

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james.rehob@ontario.ca

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Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-14-11 12:24 PM
To: King, Ryan (ENERGY); Rehob, James (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY)
Subject: Deck for 1:00 today
Attachments: GS Options on Site.14 11 2011.ppt

Confidential/Solicitor-Client Privileged

I understand that the DM wants to walk a deck into a meeting about Greenfield that he is having today to start a conversation about the draft legislation. Ryan, I've built on the version that you sent me to address the compensation question – please see attached.

I welcome your comments – I don't pretend this version is at all definitive. I need to get this to Joseph by about 1.

Carolyn

This communication may be solicitor/client privileged and contain confidential information only intended for the person(s) to whom it is addressed. Any dissemination or use of this information by others than the intended recipient(s) is prohibited. If you have received this message in error please notify the writer and permanently delete the message and all attachments. Thank you.

Greenfield South Power Corporation Options

DRAFT FOR DISCUSSION

Confidential/Solicitor Client Privileged
November 14, 2011

Issues

- Next steps to resolve the Greenfield South gas plant require the government and the OPA to determine:
 - 1) what compensation Greenfield South should receive for termination of the contract; and
 - 2) what will happen with the Greenfield South site

Compensation

- There are at least 3 options to address compensation
 1. Formula based on provable costs incurred by Greenfield South
 2. Fixed amount based on estimated costs incurred by Greenfield South
 3. Referral to a third party arbitrator for determination of compensation
 - Compensation is assumed to include construction and equipment sunk costs; costs paid to terminate construction and equipment contracts; soft development costs, such as engineering, design, surveys, and legal fees
 - There is a decision point as to whether compensation should include lost profits

Option 1 – Formula based on costs incurred

- Greenfield would receive compensation for reasonable costs incurred in developing the project based on costs that it could prove through documentation and, potentially, audit
- Pros
 - Places onus on Greenfield South to prove its costs
 - Payment would be based on verifiable information
 - This approach was taken in the *Adams Mine Lake Act, 2004*
- Cons
 - It is unclear whether a formula could be negotiated with Greenfield

Option 2 – Fixed Amount

- Greenfield would receive compensation based on an amount determined by the OPA. This amount would be an estimate of costs to the date of termination of the contract, without verification from Greenfield South
- Pros
 - An amount could be determined quickly
- Cons
 - Would require implementation through legislation.
 - Greenfield would not agree to an amount imposed by the OPA or the government
 - Appears arbitrary and unfair

Option 3 – Referral to Arbitrator

- An arbitrator could be appointed to resolve compensation either with consensus of Greenfield South or through legislation
- Pros
 - Provides for resolution of compensation through an independent third party
 - Allows for fair, impartial assessment of the amount of compensation
- Cons
 - Could result in a lengthy process, although process could be negotiated or legislated
 - Once arbitration commences, the ability of the OPA and the government to control the process is reduced

The Project Site

- There are at least 3 options to address the project site, which is a brownfield in a mostly industrial and commercial area:
 1. Acquire the site
 2. Greenfield retains the site
 3. Engage the City of Mississauga to seek its interest in acquiring the site from Greenfield South or contributing to compensation to Greenfield South

Site Option 1 – Acquisition

- Infrastructure Ontario or Ontario Power Generation acquires the site “as is” from Greenfield South
- Greenfield is compensated for sunk costs of project development and fair value for land
- Pros
 - Quick to implement
 - Costs of demolition and restoration of site are deferred
 - Site becomes available for public use or for resale
- Cons
 - Costs of security of site
 - Tantamount to expropriation

Option 2 – Greenfield retains site

- Use of site for electricity generation is prohibited through agreement or legislation
- Greenfield is compensated for sunk costs of project development, costs of restoring site to its pre-construction state and retains title to the land
- Pros
 - Limits OPA's and government's interests to financial
 - Less intrusive to private interests
- Cons
 - Public may continue to have ongoing concerns about future use of site

Option 3 – City of Mississauga Participation

- Begin discussions with the City of Mississauga to seek their interest in acquiring the site from Greenfield South Power Corporation or playing a role in resolution of the site
- City could contribute financially to compensation for Greenfield South and in turn have a say in the future use of the land
- Pros
 - Could potentially reduce total costs borne by the OPA or the Province
 - City could show that it is doing something positive in light of the cancellation
- Cons
 - Would likely require some convincing of the City.

Other Considerations

- Relocation – Greenfield South develops a generation project at another site or Greenfield South's turbines are used at another site
 - Relocation complicates and potentially delays resolution of the Mississauga site

Cayley, Daniel (ENERGY)

From: Nutter, George (ENERGY)
Sent: November-14-11 12:29 PM
To: Gemmiti, Paola (MAA)
Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kovesfalvi, Sylvia (ENERGY); McMichael, Rhonda (CAB)
Subject: RE: Evening Update -- REVISED per CO request
Attachments: QA-repudiationNov14(letter release) CO 1130am.doc

Attached contains changes as suggested by CO below.

George Nutter
Manager, Energy Communications
Communications Branch
Ministry of Energy
Ministry of Infrastructure

4th fl. Hearst Block
900 Bay Street
Queen's Park, Toronto
Ontario, Canada M7A 2E1

416-326-9602 office
416-326-3947 fax

george.nutter@ontario.ca

From: Gemmiti, Paola (MAA)
Sent: November 14, 2011 11:01 AM
To: Nutter, George (ENERGY)
Cc: Sharkawi, Rula (ENERGY)
Subject: FW: Evening Update
Importance: High

Hi George, as discussed, can you please make these changes? Thanks, Paola

From: McMichael, Rhonda (CAB)
Sent: November 14, 2011 10:59 AM
To: Kovesfalvi, Sylvia (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: RE: Evening Update
Importance: High

Hi all -- please see attached changes to messaging from CO Policy (DM Gherson) below. Could you ps confirm there are no issues. If you could make the changes and send revised version -- thanks. (it's 'will not be' in the first scenario 'is not' in the second.)

Scenario A (2 step):

The OPA is in negotiations with Greenfield South.

I understand the OPA has notified Greenfield South that it will not be proceeding with the contract.

In the meantime, the OPA has asked Greenfield South to stop construction at the site.

SCENARIO B - If Contract is Terminated

I understand the OPA has had discussions with the developer – Greenfield South. The OPA has notified Greenfield that the OPA is not proceeding with the contract.

From: Kovesfalvi, Sylvia (ENERGY)

Sent: November 13, 2011 7:59 PM

To: McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY)

Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)

Subject: Fw: Evening Update

Hi - all comments incorporated. Good to forward.

Sent from my BlackBerry Wireless Handheld

From: Ted DeWelles <horatio@idirect.com>

To: Kovesfalvi, Sylvia (ENERGY)

Sent: Sun Nov 13 19:53:59 2011

Subject: Evening Update

Unrelated content removed

MEDIA PROTOCOL

Generally the Minister's Office responds to strategic questions and OPA responds to operational questions.

Strategic - Minister's Office (Minister or Erika Botond)

- Government's decision to relocate the plant
- Government's commitment to relocate the plant.

Operational - OPA (Colin Andersen or Kristen Jenkins)

- Status of contract negotiations, and process for finding another site
- History of Greenfield site selection (required approvals, public consultation, etc).

Process

- The OPA immediately notifies the Ministry of Energy of any Greenfield-related media call (Communications Director, Media Manager and Spokesperson).
- The Ministry immediately notifies Minister's Office, Deputy Minister's Office, Legal and Cabinet Office.
- The OPA submits proposed responses; the ministry secures approvals (Cabinet Office, DMO, Legal, Policy).
- The Minister's Office confirms who responds and how (phone/email).

WHO SAYS WHAT – General Guidelines

	MINISTER	OPA
Key Messages	<p><u>SCENARIO A - If OPA sends letter to Greenfield South advising unsuccessful negotiations lead to termination (2-step approach)</u></p> <p>The OPA is in negotiations with Greenfield South.</p> <p>I understand the OPA has notified Greenfield South that it is <u>will not be</u> proceeding with the contract if negotiations are unsuccessful.</p> <p>In the meantime, the OPA has asked Greenfield South to stop construction at the site.</p> <p><u>SCENARIO B - If Contract is Terminated</u></p> <p>I understand the OPA has had discussions with the developer – Greenfield South. The OPA has notified Greenfield that the OPA is <u>not</u> will not <u>proceeding</u> with the contract.</p> <p>The OPA will look for another site for the gas plant.</p> <p>The government will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.</p>	<p><i>We are in discussions with Greenfield South.</i></p> <p><i>We have notified them that we will not be proceeding with the contract if our negotiations are not successful.</i></p> <p><i>In the meantime, we have asked Greenfield South to stop construction at the site.</i></p> <p><i>After pursuing discussions to reach a negotiated agreement, we have notified Greenfield South that the OPA will <u>is</u> not proceeding <u>ing</u> with the contract.</i></p> <p><i>We are seeking to continue discussions with Greenfield South on next steps. We cannot provide any additional information on these discussions at this time.</i></p> <p><i>We will look for another site for the gas plant.</i></p> <p><i>Once potential sites have been identified, the public will be consulted before a final decision is made.</i></p>

<p>Letters</p> <p>What does/do these letters mean?</p>	<p><u>SCENARIO C – If letter/letters become public</u></p> <p>Despite OPA's best efforts, a successful negotiation could not be reached.</p> <p>OPA has decided that the contract come to an end and we support their decision.</p> <p>The government is committed to relocating this plant. It is in the ratepayer's interest to stop construction of this plant as soon as possible.</p> <p>It is also in the interest of Ontario's economy to resolve this as quickly as possible. We need to reassure electricity developers and investors that Ontario remains a good place to make energy investments.</p> <p>Gas-fired generation is an important and cost-effective role in building a cleaner, more modern electricity system that meets Ontario's energy needs.</p> <p>The government remains committed to providing a strong, stable supply of electricity for Ontario. We also remain committed to providing support to those making investments in Ontario's electricity system.</p> <p>The government will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.</p> <p><i>It/they mean the government supports OPA's decision to terminate the contract with Greenfield South.</i></p>	<p><i>Despite our best efforts, a successful negotiation could not be reached.</i></p> <p><i>We have decided- that the contract come to an end and appreciate the government's support.</i></p> <p><i>The government is committed to relocating this plant. It is in the ratepayer's interest to stop construction of this plant as soon as possible.</i></p> <p><i>It is also in the interest of Ontario's economy to resolve this as quickly as possible. We need to reassure electricity developers and investors that Ontario remains a good place to make energy investments.</i></p> <p><i>Gas-fired generation is an important and cost-effective role in building a cleaner, more modern electricity system that meets Ontario's energy needs.</i></p> <p><i>We share the government's commitment to ratepayer value.</i></p> <p><i>We hope to continue discussions with the developer to arrive at a resolution fair to all parties.</i></p> <p><i>It/they mean negotiations had stalled and the OPA recognized the best next step for all parties involved – ratepayers, the developer and OPA – was to terminate the contract. The OPA decided to terminate the contract and the government indicated their support.</i></p>
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<p>Does this mean construction stops immediately?</p> <p>What kind of penalty does the developer face if they don't stop construction?</p> <p>Why did negotiations fail?</p> <p>How long did the OPA give it? How extensive have the discussions been?</p> <p>There's been strong and persistent opposition in other communities – Northern York Region for example, yet those plants are proceeding. Why are you stopping this one?</p> <p>What does “most appropriate way to allocate compensation</p>	<p>That is what the OPA asked and that is our expectation.</p> <p>—The developer will not be able to recover its costs of ongoing construction. We expect Greenfield to stop construction.</p> <p>The OPA and the developer could not reach an agreement.</p> <p>I understand the OPA and developer have been speaking frequently for the past month.</p> <p>This is a unique case and these circumstances do not apply to other contracts or issues.</p> <p>It means that we will sit down together to determine how to share the cost of cancelling the contract, giving full recognition to ratepayer value and contractual obligations.</p>	<p><i>That is what we asked and that is our expectation.</i></p> <p><i>The developer will not be able to recover its costs of ongoing construction. We have asked them to stop and that it our expectation.</i></p> <p><i>We could not reach an agreement.</i></p> <p><i>We have been speaking frequently with the developer for the past month.</i></p> <p><i>This is a unique case and these circumstances do not apply to other contracts or issues.</i></p> <p><i>It means that we will sit down together to determine how to share the cost of cancelling the contract, giving full recognition to ratepayer value and contractual obligations.</i></p>
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<p>between the OPA and Crown” mean?</p> <p>Exactly how much is it going to cost to cancel this contract?</p> <p>How long will settlement negotiations take? Is there a drop-dead date?</p> <p>Are these letters precedent-setting? Has the Ministry or OPA sent similar letters before?</p> <p><u>Contract Termination</u></p> <p>Has the contract been terminated?</p>	<p>That has yet to be determined. The OPA is committed to resolving this matter with ratepayer value top of mind.</p> <p>The OPA will take the time necessary to come to a fair resolution.</p> <p>No. Such letters are not precedent-setting. Our government conducts business on behalf of the people of Ontario in an open and transparent manner.</p> <p><u>SCENARIO A</u></p> <p>No, however if negotiations are not successful, the OPA has notified Greenfield South that it will not be is not proceeding with the contract. In the meantime, the OPA has asked Greenfield South to stop construction at the site.</p>	<p><i>We hope to start negotiations soon. We are committed to finding a fair resolution that upholds ratepayer value.</i></p> <p><i>We will take the time needed to find a fair solution.</i></p> <p><i>No. Such letters are not precedent-setting. Our agency conducts business on behalf of the people of Ontario. We do so in an open and transparent manner.</i></p> <p><i>No. We are in discussions with Greenfield South. We have notified them however that if our negotiations are not successful, we will not be proceeding with the contract. In the meantime, we have asked Greenfield South to stop construction at the site.</i></p>
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<p>Who terminated the contract?</p> <p>Why was the contract terminated? Were other solutions not viable?</p> <p>Did the OPA terminate the contract at the government's request?</p> <p>Why wasn't the contract terminated sooner?</p> <p>If the OPA is terminating the contract, how can you get the company to work with the OPA to relocate the site?</p>	<p><u>SCENARIO B AND C</u></p> <p>Following discussions with Greenfield South, OPA decided that not proceeding with the contract would best serve the public's interest.</p> <p>Contract negotiations are commercially sensitive. These discussions are confidential. We are confident the OPA is working in the best interests of Ontarians.</p> <p>The OPA, as the contract holder, has been in discussions with Greenfield South to resolve this matter in the best interests of Ontarians. Following discussions with Greenfield South, OPA decided that not proceeding with the contract best serves the public's interest. We support the OPA's decision.</p> <p>Discussions began as soon as they could between OPA and Greenfield South. This decision is the result of those discussions.</p> <p>The OPA will pursue further discussions with Greenfield South and we expect them to find a satisfactory resolution.</p>	<p><i>After pursuing discussions to reach a negotiated agreement, we have notified Greenfield South that the OPA will<u>is</u> not proceeding<u>ing</u> with the contract.</i></p> <p><i>Contract negotiations are commercially sensitive. These discussions are confidential. We will continue to negotiate in the best interests of Ontarians.</i></p> <p><i>The government has been clear that it is committed relocating the plant. Given the government's commitment, and following discussions with Greenfield South, we decided not proceeding with the contract was the appropriate next step.</i></p> <p><i>Our goal has been to resolve this matter in the best interests of Ontarians. We believe this decision best serves the public interest. Contract negotiations are commercial sensitive and we cannot say more than that.</i></p> <p><i>We initiated discussions with Greenfield South as soon as we received the Minister's letter asking us to begin discussions. Not proceeding with the contract is the result of these discussions.</i></p> <p><i>We will pursue further discussions with Greenfield South.</i></p>
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<p>Will Greenfield South be the company to build the relocated plant? Do you have assurances from them on that?</p> <p>Will you put this back out to tender?</p> <p>What is the process for finding another site?</p> <p>How come you've cancelled the plants in Mississauga and Oakville but not in Northern York Region?</p>	<p>The OPA will pursue further discussions with Greenfield South to find a satisfactory resolution.</p> <p>The OPA will pursue further discussions with Greenfield South to find a satisfactory resolution.</p> <p>The OPA is best able to answer this. We can confirm that the site selection will include public consultation.</p> <p>These are two very different situations. The OPA has advised that Southwest GTA's local reliability issues can be addressed through building transmission. Transmission projects were rejected by the people of Northern York Region, and a generating facility is required immediately in the region to meet North American standards for reliability.</p>	<p><i>We expect to continue discussions with Greenfield South and hope to reach a satisfactory resolution.</i></p> <p><i>We expect to continue discussions with Greenfield South and hope to reach a satisfactory resolution.</i></p> <p><i>This will require further consideration, but we will consider local generation needs and transmission and distribution support. Once options are identified, the public will be consulted.</i></p> <p><i>These are two very different situations. Southwest GTA's local reliability issues can be addressed through building transmission. Transmission projects were rejected by the people of Northern York Region, and a generating facility is required immediately in the region to meet North American standards for reliability.</i></p>
<p><u>Construction</u></p> <p>Now that the OPA has terminated the contract, will work stop at the site?</p>	<p>SCENARIO A</p> <p>My understanding is that the OPA has notified the developer that it <u>is it will</u> not <u>be</u> proceeding with the contract. The OPA has asked the developer to stop work at the site.</p>	<p>SCENARIO A</p> <p><i>We have notified Greenfield South that we are <u>will</u> not be <u>not</u> proceeding with the contract and asked Greenfield to stop construction. We have made it clear that Greenfield is financially liable if construction continues. We will pursue further discussions about stopping work at the site.</i></p>

<p>Will legislation be required to stop construction?</p> <p>Minister, your spokesperson said that legislation was not needed, is this true?</p>	<p>SCENARIO B & C</p> <p>My understanding is that the OPA has notified the developer that it is not proceeding with the contract. The OPA requires the developer to stop work at the site.</p> <p>Legislation is an option, however, the best option, and the one we are choosing at this time, is to have the OPA work with Greenfield South to find satisfactory resolution.</p> <p>It is our expectation the OPA and Greenfield South will work together to find a satisfactory resolution.</p> <p>The best option, and the one we are choosing at this time, is to have the OPA work with Greenfield South to find satisfactory resolution to the site.</p>	<p>SCENARIO B & C</p> <p><i>The government is best able to answer this question.</i></p> <p><i>We have notified Greenfield South that we are not proceeding with the contract. We have stated that we require Greenfield to stop construction. We have made it clear that Greenfield is financially liable if construction continues. We will pursue further discussions about stopping work at the site, and hope to reach a satisfactory resolution..</i></p> <p><i>The government is best able to answer this question.</i></p>
<p><u>Contract Value</u></p> <p>Why should anyone want to contract with OPA or government after this?</p> <p>What's the status of negotiations with TransCanada?</p>	<p>The government and our agencies have successful track records for negotiating and fulfilling contracts in the best interest of Ontario taxpayers. This is a unique case and these circumstances do not apply to other contracts or issues.</p> <p>Like any other business, energy partners work together to respond to changing conditions. Contracts are renegotiated or terminated on a small and large scale across businesses of all types.</p> <p>Discussions with TransCanada continue. We do not have an update at this time.</p>	<p><i>Our agency has a successful track record for negotiating and fulfilling contracts in the best interest of Ontario ratepayers.</i></p> <p><i>This is a unique case and these circumstances do not apply to other contracts or issues.</i></p> <p><i>Discussions with TransCanada continue. We do not have an update at this time.</i></p>

<p>Will the cost of these contract cancellations be made public knowledge at some time?</p>	<p>Our government is committed to conducting business in an open and transparent manner. We will provide what we can when we can.</p>	<p><i>Contracts are commercially sensitive. It is up to the developer to determine what they are willing to make public and when.</i></p>
--	---	---

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-14-11 12:49 PM
To: Silva, Joseph (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: Draft Deck
Attachments: GS Options on Site.14 11 2011.ppt

Duplicate attachment removed

Confidential/Solicitor-Client Privileged

Hi Joseph,

I understand that the DM was looking for a draft deck that presents some of the policy options that will need to be resolved for Greenfield. Attached is a first cut – Ryan and Rick have it but have not had the opportunity to review the “compensation” slides – they have looked and provided input to the “site” slides.

Carolyn

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Cayley, Daniel (ENERGY)

From: Nutter, George (ENERGY)
Sent: November-14-11 12:53 PM
To: Botond, Erika (ENERGY); Dunn, Ryan (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Silva, Joseph (ENERGY); Kulendran, Jesse (ENERGY); Gemmiti, Paola (MAA); Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY)
Subject: Statement draft 2
Attachments: 2011-11-14 Minister's Statement2.DOC

I've tried to incorporate thoughts heard round the table.

George Nutter
Manager, Energy Communications
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GREENFIELD SOUTH GENERATION FACILITY*Statement by Chris Bentley, Minister of Energy*

November 14, 2011

After several weeks of continuing discussions with Greenfield South Power Corporation, the Ontario Power Authority (OPA) is moving forward on the government's commitment to relocate the Greenfield South generating plant away from its current Mississauga site.

The OPA has informed the government that it is not proceeding with its contract with Greenfield South Power Corporation. The OPA has determined that this next step would best serve the public interest.

The Ontario government remains committed to moving forward toward relocating the plant. We will continue to ensure that the best interests of Ontario communities and ratepayers remains the primary priority.

For media inquiries call:

Erika Botond, Minister's Office, 416-327-4418

erika.botond@ontario.ca

Paul Gerard, Communications Branch, 416-327-7726

Paul.gerard@ontario.ca

ontario.ca/energy-news

Disponible en français

For public inquiries call:

1-888-668-4636 TTY: 1-800-239-4224

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-14-11 1:13 PM
To: Nutter, George (ENERGY); Botond, Erika (ENERGY); Dunn, Ryan (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Silva, Joseph (ENERGY); Kulendran, Jesse (ENERGY); 'SOM.Paola.Gemmiti@ontario.ca'; Jennings, Rick (ENERGY)
Subject: Re: Statement draft 2

We need it to come from the OPA. It's not clear to me that it has.

Carolyn

From: Nutter, George (ENERGY)
To: Calwell, Carolyn (ENERGY); Botond, Erika (ENERGY); Dunn, Ryan (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Silva, Joseph (ENERGY); Kulendran, Jesse (ENERGY); Gemmiti, Paola (MAA); Jennings, Rick (ENERGY)
Sent: Mon Nov 14 13:11:38 2011
Subject: RE: Statement draft 2

The "public interest" language is taken directly from the q's and a's. Happy to take out if all concur – but that is the source.

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Ministry of Infrastructure

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From: Calwell, Carolyn (ENERGY)
Sent: November 14, 2011 1:04 PM
To: Nutter, George (ENERGY); Botond, Erika (ENERGY); Dunn, Ryan (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Silva, Joseph (ENERGY); Kulendran, Jesse (ENERGY); Gemmiti, Paola (MAA); Jennings, Rick (ENERGY)
Subject: Re: Statement draft 2

I don't believe that we have any paper from the OPA referring to the public interest - this statement should come out.

Carolyn

From: Nutter, George (ENERGY)

To: Botond, Erika (ENERGY); Dunn, Ryan (ENERGY)

Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Silva, Joseph (ENERGY); Kulendran, Jesse (ENERGY); Gemmiti, Paola (MAA); Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY)

Sent: Mon Nov 14 12:52:52 2011

Subject: Statement draft 2

I've tried to incorporate thoughts heard round the table.

George Nutter
Manager, Energy Communications
Communications Branch
Ministry of Energy
Ministry of Infrastructure

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Ontario, Canada M7A 2E1

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george.nutter@ontario.ca

Cayley, Daniel (ENERGY)

From: Rehob, James (ENERGY)
Sent: November-14-11 1:14 PM
To: Calwell, Carolyn (ENERGY); King, Ryan (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY)
Subject: RE: Deck for 1:00 today

Hi, Carolyn – just seeing your deck now as I return from lunch – briefly reviewed it and it is very good (particularly given the rush regarding preparation). No comments from me at this time – thank you!
James

From: Calwell, Carolyn (ENERGY)
Sent: November 14, 2011 12:24 PM
To: King, Ryan (ENERGY); Rehob, James (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY)
Subject: Deck for 1:00 today

Confidential/Solicitor-Client Privileged

I understand that the DM wants to walk a deck into a meeting about Greenfield that he is having today to start a conversation about the draft legislation. Ryan, I've built on the version that you sent me to address the compensation question – please see attached.

I welcome your comments – I don't pretend this version is at all definitive. I need to get this to Joseph by about 1.

Carolyn

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Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-14-11 1:15 PM
To: Silva, Joseph (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: Fw: Deck for 1:00 today
Attachments: GS Options on Site 14 11 2011(rk).ppt

Please see Ryan's change in the attached.

Carolyn

From: King, Ryan (ENERGY)
To: Calwell, Carolyn (ENERGY); Rehob, James (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY)
Sent: Mon Nov 14 13:12:22 2011
Subject: RE: Deck for 1:00 today

One comment/question on slide 5 (attached)

From: Calwell, Carolyn (ENERGY)
Sent: November 14, 2011 12:24 PM
To: King, Ryan (ENERGY); Rehob, James (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY)
Subject: Deck for 1:00 today

Confidential/Solicitor-Client Privileged

I understand that the DM wants to walk a deck into a meeting about Greenfield that he is having today to start a conversation about the draft legislation. Ryan, I've built on the version that you sent me to address the compensation question – please see attached.

I welcome your comments – I don't pretend this version is at all definitive. I need to get this to Joseph by about 1.

Carolyn

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Greenfield South Power Corporation Options

DRAFT FOR DISCUSSION

Confidential/Solicitor Client Privileged
November 14, 2011

Issues

- Next steps to resolve the Greenfield South gas plant require the government and the OPA to determine:
 - 1) what compensation Greenfield South should receive for termination of the contract; and
 - 2) what will happen with the Greenfield South site

Compensation

- There are at least 3 options to address compensation
 1. **Formula based on provable costs incurred by Greenfield South**
 2. **Fixed amount based on estimated costs incurred by Greenfield South**
 3. **Referral to a third party arbitrator for determination of compensation**
 - Compensation is assumed to include construction and equipment sunk costs; costs paid to terminate construction and equipment contracts; soft development costs, such as engineering, design, surveys, and legal fees
 - There is a decision point as to whether compensation should include lost profits

Option 1 – Formula based on costs incurred

- Greenfield would receive compensation for reasonable costs incurred in developing the project based on costs that it could prove through documentation and, potentially, audit
- Pros
 - Places onus on Greenfield South to prove its costs
 - Payment would be based on verifiable information
 - This approach was taken in the *Adams Mine Lake Act, 2004*
- Cons
 - It is unclear whether a formula could be negotiated with Greenfield

Option 2 – Fixed Amount

- Greenfield would receive compensation based on an amount determined by the OPA. This amount would be an estimate of costs to the date of termination of the contract, without verification from Greenfield South
- Pros
 - An amount could be determined quickly
- Cons
 - Would require implementation through legislation.
 - Greenfield would not agree to an amount imposed by the OPA or the government
 - Appears arbitrary and unfair

k1

Slide 5

k1

Would Greenfield have any further legal recourse if they did not agree to the amount?

kingry, 11/14/2011

Option 3 – Referral to Arbitrator

- An arbitrator could be appointed to resolve compensation either with consensus of Greenfield South or through legislation
- Pros
 - Provides for resolution of compensation through an independent third party
 - Allows for fair, impartial assessment of the amount of compensation
- Cons
 - Could result in a lengthy process, although process could be negotiated or legislated
 - Once arbitration commences, the ability of the OPA and the government to control the process is reduced

The Project Site

- There are at least 3 options to address the project site, which is a brownfield in a mostly industrial and commercial area:
 1. Acquire the site
 2. Greenfield retains the site
 3. Engage the City of Mississauga to seek its interest in acquiring the site from Greenfield South or contributing to compensation to Greenfield South

Site Option 1 – Acquisition

- Infrastructure Ontario or Ontario Power Generation acquires the site “as is” from Greenfield South
- Greenfield is compensated for sunk costs of project development and fair value for land
- Pros
 - Quick to implement
 - Costs of demolition and restoration of site are deferred
 - Site becomes available for public use or for resale
- Cons
 - Costs of security of site
 - Tantamount to expropriation

Option 2 – Greenfield retains site

- Use of site for electricity generation is prohibited through agreement or legislation
- Greenfield is compensated for sunk costs of project development, costs of restoring site to its pre-construction state and retains title to the land
- Pros
 - Limits OPA's and government's interests to financial
 - Less intrusive to private interests
- Cons
 - Public may continue to have ongoing concerns about future use of site

Option 3 – City of Mississauga Participation

- Begin discussions with the City of Mississauga to seek their interest in acquiring the site from Greenfield South Power Corporation or playing a role in resolution of the site
- City could contribute financially to compensation for Greenfield South and in turn have a say in the future use of the land
- Pros
 - Could potentially reduce total costs borne by the OPA or the Province
 - City could show that it is doing something positive in light of the cancellation
- Cons
 - Would likely require some convincing of the City.

Other Considerations

- Relocation – Greenfield South develops a generation project at another site or Greenfield South's turbines are used at another site
 - Relocation complicates and potentially delays resolution of the Mississauga site

Cayley, Daniel (ENERGY)

From: Rehob, James (ENERGY)
Sent: November-14-11 1:25 PM
To: King, Ryan (ENERGY); Calwell, Carolyn (ENERGY)
Subject: RE: Deck for 1:00 today

Hi, Carolyn – Ryan had a further comment regarding noting that any legislation could be judicially reviewed and could result in ongoing litigation – If desired, you could add the point to Slide 5 under Cons.

From: King, Ryan (ENERGY)
Sent: November 14, 2011 1:12 PM
To: Calwell, Carolyn (ENERGY); Rehob, James (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY)
Subject: RE: Deck for 1:00 today

One comment/question on slide 5 (attached)

From: Calwell, Carolyn (ENERGY)
Sent: November 14, 2011 12:24 PM
To: King, Ryan (ENERGY); Rehob, James (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY)
Subject: Deck for 1:00 today

Confidential/Solicitor-Client Privileged

I understand that the DM wants to walk a deck into a meeting about Greenfield that he is having today to start a conversation about the draft legislation. Ryan, I've built on the version that you sent me to address the compensation question – please see attached.

I welcome your comments – I don't pretend this version is at all definitive. I need to get this to Joseph by about 1.

Carolyn

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Cayley, Daniel (ENERGY)

From: Botond, Erika (ENERGY)
Sent: November-14-11 1:30 PM
To: Nutter, George (ENERGY); Dunn, Ryan (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Silva, Joseph (ENERGY); Kulendran, Jesse (ENERGY); Gemmiti, Paola (MAA); Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY); Kett, Jennifer (OPO)
Subject: RE: Statement draft 2
Attachments: 2011-11-14 Minister's Statement2.DOC
Importance: High Duplicate attachment removed

Hi gang – we have played around with this a bit. The way it was written, this seemed just to be another Oakville. Felt we needed to be clearer. Advice?

From: Nutter, George (ENERGY)
Sent: November 14, 2011 12:53 PM
To: Botond, Erika (ENERGY); Dunn, Ryan (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Silva, Joseph (ENERGY); Kulendran, Jesse (ENERGY); Gemmiti, Paola (MAA); Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY)
Subject: Statement draft 2

I've tried to incorporate thoughts heard round the table.

George Nutter
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george.nutter@ontario.ca

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-14-11 1:40 PM
To: 'michael.lyle@powerauthority.on.ca'
Cc: Perun, Halyna N. (ENERGY)
Subject: Contract

Mike,

You previously sent us a copy of the Greenfield contract without schedules. Now that the common interest agreement is resolved, would you please send the agreement in its entirety?

Carolyn

Fisher, Petra (ENERGY)

From: Nutter, George (ENERGY)
Sent: November-14-11 2:59 PM
To: King, Ryan (ENERGY); Jennings, Rick (ENERGY)
Cc: Gemmiti, Paola (ENERGY)
Subject: Greenfield draft statement, latest version
Attachments: 2011-11-14 Minister's Statement4a legal.DOC

FYI and any comment, attached has been reviewed by MO, DMO and Legal, and is in hands of OPA for comment.

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Ministry of Energy
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george.nutter@ontario.ca

STATEMENT BY CHRIS BENTLEY, MINISTER OF ENERGY

November 14, 2011

The Ontario Power Authority (OPA) has informed the province that despite best efforts to ~~negotiate~~work with Greenfield South Power Corporation, the OPA is moving forward with the next step to meet the government's commitment to relocate the Greenfield South generating plant.

After several weeks of continuing discussions with Greenfield South ~~Power Corporation~~, it has become clear that Greenfield South has not agreed to stop construction and relocate the plant. In light of this, the OPA has informed Greenfield South that it will not proceed with this contract.

This decision is in the best interests of Ontario communities and ratepayers, ensuring they remain the primary priority.

For media inquiries call:

Erika Botond, Minister's Office, 416-327-4418

erika.botond@ontario.ca

Paul Gerard, Communications Branch, 416-327-7726

Paul.gerard@ontario.ca

For public inquiries call:

1-888-668-4636 TTY: 1-800-239-4224

ontario.ca/energy-news

Disponible en français

Fisher, Petra (ENERGY)

From: King, Ryan (ENERGY)
Sent: November-14-11 3:42 PM
To: Nutter, George (ENERGY); Jennings, Rick (ENERGY)
Cc: Gemmiti, Paola (ENERGY)
Subject: RE: Greenfield draft statement, latest version
Attachments: 2011-11-14 Minister's Statement4a legal(rk).DOC

[One suggestion](#)

From: Nutter, George (ENERGY)
Sent: November 14, 2011 2:59 PM
To: King, Ryan (ENERGY); Jennings, Rick (ENERGY)
Cc: Gemmiti, Paola (ENERGY)
Subject: Greenfield draft statement, latest version

FYI and any comment, attached has been reviewed by MO, DMO and Legal, and is in hands of OPA for comment.

George Nutter
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Queen's Park, Toronto
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416-326-9602 office
416-326-3947 fax

george.nutter@ontario.ca



STATEMENT

Ministry of Energy

STATEMENT BY CHRIS BENTLEY, MINISTER OF ENERGY

November 14, 2011

The Ontario Power Authority (OPA) has informed the province that despite best efforts to ~~negotiate work with Greenfield South Power Corporation~~, the OPA is moving forward with the next step to meet the government's commitment to relocate the Greenfield South generating plant.

After several weeks of continuing discussions with Greenfield South ~~Power Corporation~~, it has become clear that Greenfield South has not agreed to stop construction and relocate the plant. In light of this, the OPA has informed Greenfield South that it will not proceed with this contract.

This decision is in the best interests of Ontario communities and ratepayers, ensuring they remain the primary priority.

Comment [k1]: Might be better phrasing to say '...it has become clear Greenfield South has no intent to discuss relocation and has continued construction.'

For media inquiries call:

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erika.botond@ontario.ca

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Fisher, Petra (ENERGY)

From: Rehob, James (ENERGY)
Sent: November-14-11 3:46 PM
To: Letourneau, Amanda (ENERGY)
Subject: Research, Greenfield South Power Corporation

Hi, Amanda – could you please do a corporate search on the Greenfield South Power Corporation, in order to identify the actual Co. Name and Number (all Ontario Companies receive a number and I may need to reference it in the legislation or regulations).

-Next, could you go back on to the Mississauga website and see (in order to list for me) any and all approvals provided by the City of Mississauga to Grreenfield South Power Corporation or the Numbered Ontario co (once you find that number)
Thanks!

James P. H. Rehob

Senior Counsel
Ministry of Energy and
Ministry of Infrastructure
Legal Services Branch
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Tel: 416-325-6676
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james.rehob@ontario.ca

Notice

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Fisher, Petra (ENERGY)

From: Nutter, George (ENERGY)
Sent: November-14-11 4:07 PM
To: Botond, Erika (ENERGY); Dunn, Ryan (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Calwell, Carolyn (ENERGY); Kulendran, Jesse (ENERGY); 'Patricia.Phillips@powerauthority.on.ca'
Subject: FW: Greenfield draft statement, latest version
Attachments: 2011-11-14 Minister's Statement4a legal(rk).DOC

Duplicate attachment removed

Policy staff are suggesting we change the wording in paragraph 2 as below:

I have no recommendation or preference.

From: it has become clear that Greenfield South has not agreed to stop construction and relocate the plant.
to: it has become clear Greenfield South has no intent to discuss relocation and has continued construction.

George Nutter
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george.nutter@ontario.ca

From: King, Ryan (ENERGY)
Sent: November 14, 2011 3:42 PM
To: Nutter, George (ENERGY); Jennings, Rick (ENERGY)
Cc: Gemmiti, Paola (ENERGY)
Subject: RE: Greenfield draft statement, latest version

One suggestion

From: Nutter, George (ENERGY)
Sent: November 14, 2011 2:59 PM
To: King, Ryan (ENERGY); Jennings, Rick (ENERGY)
Cc: Gemmiti, Paola (ENERGY)
Subject: Greenfield draft statement, latest version

FYI and any comment, attached has been reviewed by MO, DMO and Legal, and is in hands of OPA for comment.

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george.nutter@ontario.ca

Cayley, Daniel (ENERGY)

From: Nutter, George (ENERGY)
Sent: November-14-11 4:15 PM
To: McMichael, Rhonda (CAB); Gemmiti, Paola (MAA)
Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE: Evening Update -- REVISED per CO request

Will do.

George Nutter
Manager, Energy Communications
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Sent: November 14, 2011 4:14 PM
To: Nutter, George (ENERGY); Gemmiti, Paola (MAA)
Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE: Evening Update -- REVISED per CO request

Hi -- just realized that the messaging changes were not translated as expected.

It currently reads:

I understand the OPA has notified Greenfield South that it will not be proceeding with the contract if negotiations are unsuccessful.

It should read simply --

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The shorter version should be applied to both govt and OPA responses.

Can you ps amend and resend?

thanks.

From: Nutter, George (ENERGY)
Sent: November 14, 2011 12:29 PM
To: Gemmiti, Paola (MAA)
Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Calwell, Carolyn (ENERGY);

Kovesfalvi, Sylvia (ENERGY); McMichael, Rhonda (CAB)
Subject: RE: Evening Update -- REVISED per CO request

Attached contains changes as suggested by CO below.

George Nutter
Manager, Energy Communications
Communications Branch
Ministry of Energy
Ministry of Infrastructure

4th fl. Hearst Block
900 Bay Street
Queen's Park, Toronto
Ontario, Canada M7A 2E1

416-326-9602 office
416-326-3947 fax

george.nutter@ontario.ca

From: Gemmiti, Paola (MAA)
Sent: November 14, 2011 11:01 AM
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Cc: Sharkawi, Rula (ENERGY)
Subject: FW: Evening Update
Importance: High

Hi George, as discussed, can you please make these changes? Thanks, Paola

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Sent: November 14, 2011 10:59 AM
To: Kovesfalvi, Sylvia (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
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The OPA is in negotiations with Greenfield South.

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SCENARIO B - If Contract is Terminated

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Sent: November 13, 2011 7:59 PM

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Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)

Subject: Fw: Evening Update

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Sent from my BlackBerry Wireless Handheld

From: Ted DeWelles <horatio@idirect.com>

To: Kovesfalvi, Sylvia (ENERGY)

Sent: Sun Nov 13 19:53:59 2011

Subject: Evening Update

Unrelated content removed

Cayley, Daniel (ENERGY)

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Sent: November-14-11 4:18 PM
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Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE: Evening Update -- REVISED per CO request
Attachments: QA-repudiationNov14(letter release) CO 417pm.doc

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Subject: Fw: Evening Update

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Sent from my BlackBerry Wireless Handheld

From: Ted DeWelles <horatio@idirect.com>

To: Kovesfalvi, Sylvia (ENERGY)

Sent: Sun Nov 13 19:53:59 2011

Subject: Evening Update

(sending from home computer, which is in husband's name).

MEDIA PROTOCOL

Generally the Minister's Office responds to strategic questions and OPA responds to operational questions.

Strategic - Minister's Office (Minister or Erika Botond)

- Government's decision to relocate the plant
- Government's commitment to relocate the plant.

Operational - OPA (Colin Andersen or Kristen Jenkins)

- Status of contract negotiations, and process for finding another site
- History of Greenfield site selection (required approvals, public consultation, etc).

Process

- The OPA immediately notifies the Ministry of Energy of any Greenfield-related media call (Communications Director, Media Manager and Spokesperson).
- The Ministry immediately notifies Minister's Office, Deputy Minister's Office, Legal and Cabinet Office.
- The OPA submits proposed responses; the ministry secures approvals (Cabinet Office, DMO, Legal, Policy).
- The Minister's Office confirms who responds and how (phone/email).

WHO SAYS WHAT – General Guidelines

	MINISTER	OPA
Key Messages	<p><u>SCENARIO A - If OPA sends letter to Greenfield South advising unsuccessful negotiations lead to termination (2-step approach)</u></p> <p>The OPA is in negotiations with Greenfield South.</p> <p>I understand the OPA has notified Greenfield South that it is - will not <u>be</u> proceeding with the contract if negotiations are unsuccessful.</p> <p>In the meantime, the OPA has asked Greenfield South to stop construction at the site.</p> <p><u>SCENARIO B - If Contract is Terminated</u></p> <p>I understand the OPA has had discussions with the developer – Greenfield South. The OPA has notified Greenfield that the OPA is not will not <u>is</u> proceeding with the contract.</p> <p>The OPA will look for another site for the gas plant.</p> <p>The government will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.</p>	<p><i>We are in discussions with Greenfield South.</i></p> <p><i>We have notified them that we will not be proceeding with the contract, if our negotiations are not successful.</i></p> <p><i>In the meantime, we have asked Greenfield South to stop construction at the site.</i></p> <p><i>After pursuing discussions to reach a negotiated agreement, we have notified Greenfield South that the OPA will is not proceeding <u>ing</u> with the contract.</i></p> <p><i>We are seeking to continue discussions with Greenfield South on next steps. We cannot provide any additional information on these discussions at this time.</i></p> <p><i>We will look for another site for the gas plant.</i></p> <p><i>Once potential sites have been identified, the public will be consulted before a final decision is made.</i></p>

	<p><u>SCENARIO C – If letter/letters become public</u></p> <p>Despite OPA's best efforts, a successful negotiation could not be reached.</p> <p>OPA has decided that the contract come to an end and we support their decision.</p> <p>The government is committed to relocating this plant. It is in the ratepayer's interest to stop construction of this plant as soon as possible.</p> <p>It is also in the interest of Ontario's economy to resolve this as quickly as possible. We need to reassure electricity developers and investors that Ontario remains a good place to make energy investments.</p> <p>Gas-fired generation is an important and cost-effective role in building a cleaner, more modern electricity system that meets Ontario's energy needs.</p> <p>The government remains committed to providing a strong, stable supply of electricity for Ontario. We also remain committed to providing support to those making investments in Ontario's electricity system.</p> <p>The government will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.</p> <p><i>It/they mean the government supports OPA's decision to terminate the contract with Greenfield South.</i></p>	<p><i>Despite our best efforts, a successful negotiation could not be reached.</i></p> <p><i>We have decided- that the contract come to an end and appreciate the government's support.</i></p> <p><i>The government is committed to relocating this plant. It is in the ratepayer's interest to stop construction of this plant as soon as possible.</i></p> <p><i>It is also in the interest of Ontario's economy to resolve this as quickly as possible. We need to reassure electricity developers and investors that Ontario remains a good place to make energy investments.</i></p> <p><i>Gas-fired generation is an important and cost-effective role in building a cleaner, more modern electricity system that meets Ontario's energy needs.</i></p> <p><i>We share the government's commitment to ratepayer value.</i></p> <p><i>We hope to continue discussions with the developer to arrive at a resolution fair to all parties.</i></p> <p><i>It/they mean negotiations had stalled and the OPA recognized the best next step for all parties involved – ratepayers, the developer and OPA – was to terminate the contract. The OPA decided to terminate the contract and the government indicated their support.</i></p>
<p><u>Letters</u></p> <p>What does/do these letters mean?</p>		

<p>Does this mean construction stops immediately?</p> <p>What kind of penalty does the developer face if they don't stop construction?</p> <p>Why did negotiations fail?</p> <p>How long did the OPA give it? How extensive have the discussions been?</p> <p>There's been strong and persistent opposition in other communities – Northern York Region for example, yet those plants are proceeding. Why are you stopping this one?</p> <p>What does “most appropriate way to</p>	<p>That is what the OPA asked and that is our expectation.</p> <p>—The developer will not be able to recover its costs of ongoing construction. We expect Greenfield to stop construction.</p> <p>The OPA and the developer could not reach an agreement.</p> <p>I understand the OPA and developer have been speaking frequently for the past month.</p> <p>This is a unique case and these circumstances do not apply to other contracts or issues.</p> <p>It means that we will sit down together to determine how to share the cost of cancelling the contract, giving full recognition to ratepayer value and contractual obligations.</p>	<p><i>That is what we asked and that is our expectation.</i></p> <p><i>The developer will not be able to recover its costs of ongoing construction. We have asked them to stop and that it our expectation.</i></p> <p><i>We could not reach an agreement.</i></p> <p><i>We have been speaking frequently with the developer for the past month.</i></p> <p><i>This is a unique case and these circumstances do not apply to other contracts or issues.</i></p> <p><i>It means that we will sit down together to determine how to share the cost of cancelling the contract, giving full recognition to ratepayer value and</i></p>
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<p>allocate compensation between the OPA and Crown” mean?</p> <p>Exactly how much is it going to cost to cancel this contract?</p> <p>How long will settlement negotiations take? Is there a drop-dead date?</p> <p>Are these letters precedent-setting? Has the Ministry or OPA sent similar letters before?</p> <p><u>Contract Termination</u></p> <p>Has the contract been terminated?</p>	<p>That has yet to be determined. The OPA is committed to resolving this matter with ratepayer value top of mind.</p> <p>The OPA will take the time necessary to come to a fair resolution.</p> <p>No. Such letters are not precedent-setting. Our government conducts business on behalf of the people of Ontario in an open and transparent manner.</p> <p><u>SCENARIO A</u></p> <p>No, however if negotiations are not successful, the OPA has notified Greenfield South that it will not be is not proceeding with the contract. In the meantime, the OPA has asked Greenfield South to stop construction at the site.</p>	<p><i>contractual obligations.</i></p> <p><i>We hope to start negotiations soon. We are committed to finding a fair resolution that upholds ratepayer value.</i></p> <p><i>We will take the time needed to find a fair solution.</i></p> <p><i>No. Such letters are not precedent-setting. Our agency conducts business on behalf of the people of Ontario. We do so in an open and transparent manner.</i></p> <p><i>No. We are in discussions with Greenfield South. We have notified them however that if our negotiations are not successful, we will not be proceeding with the contract. In the meantime, we have asked Greenfield South to stop construction at the site.</i></p>
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<p>Who terminated the contract?</p> <p>Why was the contract terminated? Were other solutions not viable?</p> <p>Did the OPA terminate the contract at the government's request?</p> <p>Why wasn't the contract terminated sooner?</p> <p>If the OPA is terminating the contract, how can you get the company to work with the OPA to relocate the site?</p>	<p><u>SCENARIO B AND C</u></p> <p>Following discussions with Greenfield South, OPA decided that not proceeding with the contract would best serve the public's interest.</p> <p>Contract negotiations are commercially sensitive. These discussions are confidential. We are confident the OPA is working in the best interests of Ontarians.</p> <p>The OPA, as the contract holder, has been in discussions with Greenfield South to resolve this matter in the best interests of Ontarians. Following discussions with Greenfield South, OPA decided that not proceeding with the contract best serves the public's interest. We support the OPA's decision.</p> <p>Discussions began as soon as they could between OPA and Greenfield South. This decision is the result of those discussions.</p> <p>The OPA will pursue further discussions with Greenfield South and we expect them to find a satisfactory resolution.</p>	<p><i>After pursuing discussions to reach a negotiated agreement, we have notified Greenfield South that the OPA will<u>is</u> not proceeding<u>ing</u> with the contract.</i></p> <p><i>Contract negotiations are commercially sensitive. These discussions are confidential. We will continue to negotiate in the best interests of Ontarians.</i></p> <p><i>The government has been clear that it is committed relocating the plant. Given the government's commitment, and following discussions with Greenfield South, we decided not proceeding with the contract was the appropriate next step.</i></p> <p><i>Our goal has been to resolve this matter in the best interests of Ontarians. We believe this decision best serves the public interest. Contract negotiations are commercial sensitive and we cannot say more than that.</i></p> <p><i>We initiated discussions with Greenfield South as soon as we received the Minister's letter asking us to begin discussions. Not proceeding with the contract is the result of these discussions.</i></p> <p><i>We will pursue further discussions with Greenfield South.</i></p>
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<p>Will Greenfield South be the company to build the relocated plant? Do you have assurances from them on that?</p> <p>Will you put this back out to tender?</p> <p>What is the process for finding another site?</p> <p>How come you've cancelled the plants in Mississauga and Oakville but not in Northern York Region?</p>	<p>The OPA will pursue further discussions with Greenfield South to find a satisfactory resolution.</p> <p>The OPA will pursue further discussions with Greenfield South to find a satisfactory resolution.</p> <p>The OPA is best able to answer this. We can confirm that the site selection will include public consultation.</p> <p>These are two very different situations. The OPA has advised that Southwest GTA's local reliability issues can be addressed through building transmission. Transmission projects were rejected by the people of Northern York Region, and a generating facility is required immediately in the region to meet North American standards for reliability.</p>	<p><i>We expect to continue discussions with Greenfield South and hope to reach a satisfactory resolution.</i></p> <p><i>We expect to continue discussions with Greenfield South and hope to reach a satisfactory resolution.</i></p> <p><i>This will require further consideration, but we will consider local generation needs and transmission and distribution support. Once options are identified, the public will be consulted.</i></p> <p><i>These are two very different situations. Southwest GTA's local reliability issues can be addressed through building transmission. Transmission projects were rejected by the people of Northern York Region, and a generating facility is required immediately in the region to meet North American standards for reliability.</i></p>
<p><u>Construction</u></p> <p>Now that the OPA has terminated the contract, will work stop at the site?</p>	<p>SCENARIO A</p> <p>My understanding is that the OPA has notified the developer that it <u>is it will</u> not <u>be</u> proceeding with the contract. The OPA has asked the developer to stop work at the site.</p>	<p>SCENARIO A</p> <p><i>We have notified Greenfield South that we are will <u>not be not</u> proceeding with the contract and asked Greenfield to stop construction. We have made it clear that Greenfield is financially liable if construction continues. We will pursue further</i></p>

<p>Will legislation be required to stop construction?</p> <p>Minister, your spokesperson said that legislation was not needed, is this true?</p>	<p>SCENARIO B & C</p> <p>My understanding is that the OPA has notified the developer that it is not proceeding with the contract. The OPA requires the developer to stop work at the site.</p> <p>Legislation is an option, however, the best option, and the one we are choosing at this time, is to have the OPA work with Greenfield South to find satisfactory resolution.</p> <p>It is our expectation the OPA and Greenfield South will work together to find a satisfactory resolution.</p> <p>The best option, and the one we are choosing at this time, is to have the OPA work with Greenfield South to find satisfactory resolution to the site.</p>	<p><i>discussions about stopping work at the site.</i></p> <p>SCENARIO B & C</p> <p><i>The government is best able to answer this question.</i></p> <p><i>We have notified Greenfield South that we are not proceeding with the contract. We have stated that we require Greenfield to stop construction. We have made it clear that Greenfield is financially liable if construction continues. We will pursue further discussions about stopping work at the site, and hope to reach a satisfactory resolution..</i></p> <p><i>The government is best able to answer this question.</i></p>
<p><u>Contract Value</u></p> <p>Why should anyone want to contract with OPA or government after this?</p> <p>What's the status of negotiations with TransCanada?</p>	<p>The government and our agencies have successful track records for negotiating and fulfilling contracts in the best interest of Ontario taxpayers. This is a unique case and these circumstances do not apply to other contracts or issues.</p> <p>Like any other business, energy partners work together to respond to changing conditions. Contracts are renegotiated or terminated on a small and large scale across businesses of all types.</p> <p>Discussions with TransCanada continue. We do not have an update at this time.</p>	<p><i>Our agency has a successful track record for negotiating and fulfilling contracts in the best interest of Ontario ratepayers.</i></p> <p><i>This is a unique case and these circumstances do not apply to other contracts or issues.</i></p> <p><i>Discussions with TransCanada continue. We do not have an update at this time.</i></p>

<p>Will the cost of these contract cancellations be made public knowledge at some time?</p>	<p>Our government is committed to conducting business in an open and transparent manner. We will provide what we can when we can.</p>	<p><i>Contracts are commercially sensitive. It is up to the developer to determine what they are willing to make public and when.</i></p>
--	---	---

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-14-11 4:31 PM
To: Nutter, George (ENERGY); McMichael, Rhonda (CAB); Gemmiti, Paola (MAA)
Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE: Evening Update -- REVISED per CO request

Legal has no comments.

Carolyn

From: Nutter, George (ENERGY)
Sent: November 14, 2011 4:18 PM
To: McMichael, Rhonda (CAB); Gemmiti, Paola (MAA)
Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kovesfalvi, Sylvia (ENERGY)
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Cc: Sharkawi, Rula (ENERGY)
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Importance: High

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Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
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I understand the OPA has had discussions with the developer – Greenfield South. The OPA has notified Greenfield that the OPA is not proceeding with the contract.

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Sent: November 13, 2011 7:59 PM

To: McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY)

Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)

Subject: Fw: Evening Update

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Sent from my BlackBerry Wireless Handheld

From: Ted DeWelles <horatio@idirect.com>

To: Kovesfalvi, Sylvia (ENERGY)

Sent: Sun Nov 13 19:53:59 2011

Subject: Evening Update

Unrelated content removed

Fisher, Petra (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-14-11 4:33 PM
To: Nutter, George (ENERGY)
Subject: RE: Greenfield draft statement, latest version

No concerns here.

Carolyn

From: Nutter, George (ENERGY)
Sent: November 14, 2011 4:07 PM
To: Botond, Erika (ENERGY); Dunn, Ryan (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Calwell, Carolyn (ENERGY); Kulendran, Jesse (ENERGY); 'Patricia.Phillips@powerauthority.on.ca'
Subject: FW: Greenfield draft statement, latest version

Policy staff are suggesting we change the wording in paragraph 2 as below:

I have no recommendation or preference.

From: it has become clear that Greenfield South has not agreed to stop construction and relocate the plant.
to: it has become clear Greenfield South has no intent to discuss relocation and has continued construction.

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From: King, Ryan (ENERGY)
Sent: November 14, 2011 3:42 PM
To: Nutter, George (ENERGY); Jennings, Rick (ENERGY)
Cc: Gemmiti, Paola (ENERGY)
Subject: RE: Greenfield draft statement, latest version

One suggestion

From: Nutter, George (ENERGY)
Sent: November 14, 2011 2:59 PM

To: King, Ryan (ENERGY); Jennings, Rick (ENERGY)

Cc: Gemmiti, Paola (ENERGY)

Subject: Greenfield draft statement, latest version

FYI and any comment, attached has been reviewed by MO, DMO and Legal, and is in hands of OPA for comment.

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Fisher, Petra (ENERGY)

From: Sharkawi, Rula (ENERGY)
Sent: November-14-11 4:34 PM
To: Nutter, George (ENERGY); Gemmiti, Paola (MAA); Gemmiti, Paola (ENERGY)
Subject: FW: 2011-11-14 Minister's Statement2.DOC

George/Paola –

The following line is problematic:

After repeated requests by the OPA to Greenfield to stop work on the site, Greenfield continues their work.

They don't think it's accurate, and sets up a "he said she said" -- it should come out or be reworked.

Feedback on Q and A to follow

R

Cayley, Daniel (ENERGY)

From: Letourneau, Amanda (ENERGY)
Sent: November-14-11 4:37 PM
To: Perun, Halyna N. (ENERGY)
Subject: RE: research
Attachments: Elements of the Tort of Misfeasance in Public Office.doc

Categories: Green Category

Hi Halyna,

Here is the research on misfeasance in public office. I could not find specific information on defences, but the elements of the tort provide guidance on how allegations would be rebutted.

Hope this helps, let me know if you need anything else.

Thanks,

Amanda

From: Perun, Halyna N. (ENERGY)
Sent: November 14, 2011 2:42 PM
To: Letourneau, Amanda (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Carson, Cheryl (ENERGY)
Subject: research

Hi Amanda –

The Minister of Energy has asked for a “coles notes” version of the tort of misfeasance in public office – could you please send a short blurb to me about this tort and defences – thank you.

As this pertains to the Mississauga gas plant matter – it's urgent. End of day please -

I must apologize for not thanking for the last bit of research you did on this matter – so thank you for that!

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
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Elements of the Tort of Misfeasance in Public Office

There are three elements unique to this tort which must be demonstrated by a successful plaintiff, and two further elements which are common to torts generally.¹

- (1) The defendant must be a public official who was exercising or purporting to exercise public functions.
- (2) The public officer must act unlawfully. The unlawful act can be a breach of relevant statutory provisions, acting in excess of the powers granted to the public official, omitting to act in circumstances in which the public officer is under a legal duty to act, or acting for an improper purpose. Unlawful acts could also include tortious acts and breaches of contract.
- (3) The public official must be aware that his or her conduct is unlawful and that it is likely to injure the plaintiff.
- (4) The plaintiff must prove that the public official's tortious conduct was the legal cause of his or her injuries.
- (5) The injuries suffered must be compensable in tort law.

The tort of misfeasance in public office can arise in one of two ways.²

- conduct that is specifically intended to injure a person or class of persons; and (Category A)
- a public officer who acts with knowledge both that he or she has no power to do the act complained of and that the act is likely to injure the plaintiff (Category B)

In either case, the essential elements that must be established are the same and include:

- (1) deliberate and unlawful conduct in the exercise of public functions, and
- (2) awareness that the conduct is unlawful and likely to injure the plaintiff

The distinguishing features between the two categories of the tort are in the manner in which the plaintiff proves each element of the tort:

- in Category A, the fact that a public official acted with the express purpose of causing harm is sufficient to satisfy each element of the tort (because a public officer does not have the authority to exercise their powers for an improper purpose)
- in Category B, the plaintiff must prove both elements of the tort individually

¹ *Foschia v. Conseil des Écoles Catholique de Langue Française du Centre-Est* [2009] O.J. No. 2536 at para 22

² *Odhavji Estate v. Woodhouse* [2003] S.C.J. No. 74 at para. 22 [*Odjhavji*]
See also: *O'Dwyer v. Ontario (Racing Commission)* [2008] O.J. No. 2219.

In both cases, the focus of the inquiry is on whether the alleged misconduct is deliberate and unlawful.

- Most importantly, the defendant must have been aware that their conduct was unlawful
- The state of mind required to establish liability depends on which category the tort falls into:
 - o Category A involves "targeted malice",
 - o Category B may be satisfied by reckless indifference as to the legality of the act or its probable consequences: "[a]t the very least...the defendant must have been subjectively reckless or wilfully blind as to the possibility that harm was a likely consequence of the alleged misconduct".³

Defences

The plaintiff has the burden of establishing the elements of the tort. The defendant would have to provide evidence to establish that the action was not unlawful and was made in good faith and without the intention of inflicting harm on the plaintiff. Legal authority for the action complained of would also provide a defence to allegations as the tort requires unlawful conduct.

³ *Odhavji* at para. 38.

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-14-11 4:55 PM
To: McMichael, Rhonda (CAB); Nutter, George (ENERGY); Gemmiti, Paola (MAA)
Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE: Evening Update -- REVISED per CO request

I understand that MO is working on a different version. I propose to hold off review until we see the next iteration.

Carolyn

From: McMichael, Rhonda (CAB)
Sent: November 14, 2011 4:32 PM
To: McMichael, Rhonda (CAB); Nutter, George (ENERGY); Gemmiti, Paola (MAA)
Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE: Evening Update -- REVISED per CO request

Ps see revised version with some further tweaks to messaging.

From: McMichael, Rhonda (CAB)
Sent: November 14, 2011 4:14 PM
To: Nutter, George (ENERGY); Gemmiti, Paola (MAA)
Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE: Evening Update -- REVISED per CO request

Hi -- just realized that the messaging changes were not translated as expected.

It currently reads:

I understand the OPA has notified Greenfield South that it will not be proceeding with the contract if negotiations are unsuccessful.

It should read simply --

I understand the OPA has notified Greenfield South that it will not be proceeding with the contract.

The shorter version should be applied to both govt and OPA responses.

Can you ps amend and resend?

thanks.

From: Nutter, George (ENERGY)
Sent: November 14, 2011 12:29 PM
To: Gemmiti, Paola (MAA)
Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kovesfalvi, Sylvia (ENERGY); McMichael, Rhonda (CAB)
Subject: RE: Evening Update -- REVISED per CO request

Attached contains changes as suggested by CO below.

George Nutter
Manager, Energy Communications
Communications Branch
Ministry of Energy
Ministry of Infrastructure

4th fl. Hearst Block
900 Bay Street
Queen's Park, Toronto
Ontario, Canada M7A 2E1

416-326-9602 office
416-326-3947 fax

george.nutter@ontario.ca

From: Gemmiti, Paola (MAA)
Sent: November 14, 2011 11:01 AM
To: Nutter, George (ENERGY)
Cc: Sharkawi, Rula (ENERGY)
Subject: FW: Evening Update
Importance: High

Hi George, as discussed, can you please make these changes? Thanks, Paola

From: McMichael, Rhonda (CAB)
Sent: November 14, 2011 10:59 AM
To: Kovesfalvi, Sylvia (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: RE: Evening Update
Importance: High

Hi all -- please see attached changes to messaging from CO Policy (DM Gherson) below. Could you ps confirm there are no issues. If you could make the changes and send revised version -- thanks. (it's "will not be" in the first scenario "is not" in the second.)

Scenario A (2 step):

The OPA is in negotiations with Greenfield South.

I understand the OPA has notified Greenfield South that it will not be proceeding with the contract.

In the meantime, the OPA has asked Greenfield South to stop construction at the site.

SCENARIO B - If Contract is Terminated

I understand the OPA has had discussions with the developer -- Greenfield South. The OPA has notified Greenfield that the OPA is not proceeding with the contract.

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November 13, 2011 7:59 PM
To: McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY)

Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)

Subject: Fw: Evening Update

Hi - all comments incorporated. Good to forward.

Sent from my BlackBerry Wireless Handheld

From: Ted DeWelles <horatio@idirect.com>

To: Kovesfalvi, Sylvia (ENERGY)

Sent: Sun Nov 13 19:53:59 2011

Subject: Evening Update

Unrelated content removed

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-14-11 5:18 PM
To: Silva, Joseph (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: Contract
Attachments: Amended and Restated CES Contract with Greenfield South dated March 16 2009.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Duplicate attachment removed
(previously released)

Joseph, attached is the contract between the OPA and Greenfield South. We have asked for but have not yet received the various schedules to the contract.

Carolyn

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Fisher, Petra (ENERGY)

From: Patricia Phillips <Patricia.Phillips@powerauthority.on.ca>
Sent: November-14-11 5:20 PM
To: Nutter, George (ENERGY); Botond, Erika (ENERGY); Dunn, Ryan (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Calwell, Carolyn (ENERGY); Kulendran, Jesse (ENERGY)
Subject: RE: Greenfield draft statement, latest version

We prefer the changed version of para 2. Pat

From: Nutter, George (ENERGY) [mailto:George.Nutter@ontario.ca]
Sent: November 14, 2011 4:07 PM
To: Botond, Erika (ENERGY); Dunn, Ryan (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Calwell, Carolyn (ENERGY); Kulendran, Jesse (ENERGY); Patricia Phillips
Subject: FW: Greenfield draft statement, latest version

Policy staff are suggesting we change the wording in paragraph 2 as below:

I have no recommendation or preference.

From: it has become clear that Greenfield South has not agreed to stop construction and relocate the plant.
to: it has become clear Greenfield South has no intent to discuss relocation and has continued construction.

George Nutter
Manager, Energy Communications
Communications Branch
Ministry of Energy
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Queen's Park, Toronto
Ontario, Canada M7A 2E1

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george.nutter@ontario.ca

From: King, Ryan (ENERGY)
Sent: November 14, 2011 3:42 PM
To: Nutter, George (ENERGY); Jennings, Rick (ENERGY)
Cc: Gemmiti, Paola (ENERGY)
Subject: RE: Greenfield draft statement, latest version

One suggestion

From: Nutter, George (ENERGY)
Sent: November 14, 2011 2:59 PM

To: King, Ryan (ENERGY); Jennings, Rick (ENERGY)

Cc: Gemmiti, Paola (ENERGY)

Subject: Greenfield draft statement, latest version

FYI and any comment, attached has been reviewed by MO, DMO and Legal, and is in hands of OPA for comment.

George Nutter
Manager, Energy Communications
Communications Branch
Ministry of Energy
Ministry of Infrastructure

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Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: November-14-11 5:24 PM
To: Lindsay, David (ENERGY)
Subject: FW: Contract
Attachments: Amended and Restated CES Contract with Greenfield South dated March 16 2009.pdf

Duplicate attachment removed
(previously released)

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
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From: Calwell, Carolyn (ENERGY)
Sent: November 14, 2011 5:18 PM
To: Silva, Joseph (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: Contract

Joseph, attached is the contract between the OPA and Greenfield South. We have asked for but have not yet received the various schedules to the contract.

Carolyn

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Cayley, Daniel (ENERGY)

To: Rehob, James (ENERGY)
Subject: RE: Research, Greenfield South Power Corporation
Attachments: image001.gif

Attachment is image below

From: Rehob, James (ENERGY)
Sent: October-02-12 7:55 PM
To: Rehob, James (ENERGY)
Subject: FW: Research, Greenfield South Power Corporation

From: Rehob, James (ENERGY)
Sent: Monday, November 14, 2011 5:28 PM
To: Letourneau, Amanda (ENERGY)
Subject: RE: Research, Greenfield South Power Corporation

Thanks very much, Amanda – now please do the same corporate search for Eastern Power Limited – note any connections (e.g. connected corporations, partnerships or entities, etc. if possible).

Thanks!
James

From: Letourneau, Amanda (ENERGY)
Sent: November 14, 2011 5:19 PM
To: Rehob, James (ENERGY)
Subject: RE: Research, Greenfield South Power Corporation

Hi James,

Here is the corporate information I found:

GREENFIELD SOUTH POWER CORPORATION

Previous Name(s): **GREENFIELD 407 POWER CORPORATION**
 Corporate Number: **002060572**
 Date of Inc./Amalg.: **2004-12-13**
 Amalg. Indicator Status: **ACTIVE**
 Establishment Type: **ONTARIO BUSINESS CORP.**
 Share: **SHARE**
 Jurisdiction: **ONTARIO**

Building Permit issued to Greenfield South Power Corp.:

Permit No.: 05 7583
Location: 2135 Loreland Avenue
Value: \$140,000
Building Size: 2,423 Sq metres
Lot size: 43,869 Sq Metres
Description: New- Power generating plant – Greenfield South Power Corp.

Here is information from the Mississauga website on past building permits and development applications for the power plant site location:

Building Permits

App Number ▫ App Date	▫ Address ▫ Description	▫ Scope ▫ Type Description	▫ Issue Date ▫ Status
BP 3NEW 11 6380 2011-10-04	2315 LORELAND AVE Unit - PHASE 4 ALTER - FOUNDATION/SUPPORT FOR HEAT RECOVERY STEAM GENERATOR, GREENFIELD SOUTH POWER CORP	OTHER SINGLE TENANT INDUSTRIAL	WITHHELD
BP 3NEW 11 5678 2011-07-20	2315 LORELAND AVE Unit - PHS-3 NEW - COOLING TOWER & PUMP HOUSE	NEW BUILDING SINGLE TENANT INDUSTRIAL	WITHHELD
BP 3NEW 11 5409 2011-07-04	2315 LORELAND AVE Unit - PHASE-2 NEW - (1) COMPRESSOR BLD, (2) TRANSFORMER ENCLOSURE & 1-CONC-PAD, GREENFIELD SOUTH POWER PLANT	NEW BUILDING SINGLE TENANT INDUSTRIAL	WITHHELD
DRAIN 5 7583 R1 2009-11-12	2315 LORELAND AVE REVISED SITE SERVICING	REVISIONS SINGLE TENANT INDUSTRIAL	2009-12-04 ISSUED PERMIT
DRAIN 5 7583 SS 2009-03-17	2315 LORELAND AVE SITE SERVICING	OTHER INDUSTRIAL - OTHER	2009-05-28 ISSUED PERMIT
BP 3NEW 5 7583 2005-09-09	2315 LORELAND AVE NEW - POWER GENERATING PLANT, GREENFIELD SOUTH POWER CORP	NEW BUILDING SINGLE TENANT INDUSTRIAL	2011-05-30 ISSUED PERMIT

Development Applications

▫ App Number ▫ Type	▫ Location	▫ Description	▫ App Date	▫ Status
H-OZ 5 4 REMOVAL OF 'H' HOLDING SYMBOL	EAST OF DIXIE ROAD, SOUTH OF DUNDAS STREET EAST	REMOVAL OF HOLDING ZONE	2005- 08-04	APPROVED
SP 5 251 STANDARD SITE PLAN	S OF DUNDAS ST. E., E OF DIXIE RD	NEW POWER PLANT	2005- 08-04	APPROVED

From: Rehob, James (ENERGY)
Sent: November 14, 2011 3:46 PM
To: Letourneau, Amanda (ENERGY)
Subject: Research, Greenfield South Power Corporation

Hi, Amanda – could you please do a corporate search on the Greenfield South Power Corporation, in order to identify the actual Co. Name and Number (all Ontario Companies receive a number and I may need to reference it in the legislation or regulations).

-Next, could you go back on to the Mississauga website and see (in order to list for me) any and all approvals provided by the City of Mississauga to Greenfield South Power Corporation or the Numbered Ontario co (once you find that number) Thanks!

James P. H. Rehob
Senior Counsel
Ministry of Energy and
Ministry of Infrastructure
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Fisher, Petra (ENERGY)

From: Botond, Erika (ENERGY)
Sent: November-14-11 5:31 PM
To: 'Patricia Phillips'; Nutter, George (ENERGY); Dunn, Ryan (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Calwell, Carolyn (ENERGY); Kulendran, Jesse (ENERGY); Kett, Jennifer (OPO)
Subject: RE: Greenfield draft statement, latest version
Attachments: 2011-11-14 Minister's Statement4a legal(rk) (2).DOC

Some input from PO attached.

From: Patricia Phillips [mailto:Patricia.Phillips@powerauthority.on.ca]
Sent: November 14, 2011 5:20 PM
To: Nutter, George (ENERGY); Botond, Erika (ENERGY); Dunn, Ryan (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Calwell, Carolyn (ENERGY); Kulendran, Jesse (ENERGY)
Subject: RE: Greenfield draft statement, latest version

We prefer the changed version of para 2. Pat

From: Nutter, George (ENERGY) [mailto:George.Nutter@ontario.ca]
Sent: November 14, 2011 4:07 PM
To: Botond, Erika (ENERGY); Dunn, Ryan (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Calwell, Carolyn (ENERGY); Kulendran, Jesse (ENERGY); Patricia Phillips
Subject: FW: Greenfield draft statement, latest version

Policy staff are suggesting we change the wording in paragraph 2 as below:

I have no recommendation or preference.

From: it has become clear that Greenfield South has not agreed to stop construction and relocate the plant.
to: it has become clear Greenfield South has no intent to discuss relocation and has continued construction.

George Nutter
Manager, Energy Communications
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Ministry of Energy
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Queen's Park, Toronto
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416-326-9602 office
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george.nutter@ontario.ca

From: King, Ryan (ENERGY)
Sent: November 14, 2011 3:42 PM
To: Nutter, George (ENERGY); Jennings, Rick (ENERGY)
Cc: Gemmiti, Paola (ENERGY)
Subject: RE: Greenfield draft statement, latest version

One suggestion

From: Nutter, George (ENERGY)
Sent: November 14, 2011 2:59 PM
To: King, Ryan (ENERGY); Jennings, Rick (ENERGY)
Cc: Gemmiti, Paola (ENERGY)
Subject: Greenfield draft statement, latest version

FYI and any comment, attached has been reviewed by MO, DMO and Legal, and is in hands of OPA for comment.

George Nutter
Manager, Energy Communications
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STATEMENT

Ministry of Energy

STATEMENT BY CHRIS BENTLEY, MINISTER OF ENERGY

November 14, 2011

The government made a commitment to Mississauga residents to relocate the Greenfield South generating plant.

Today, ~~The~~ the Ontario Power Authority (OPA) ~~has~~ informed the province that despite best efforts to ~~negotiate work with Greenfield South Power Corporation~~, the OPA is moving forward with the next step to meet the government's commitment to relocate the Greenfield South generating plant.

After several weeks of continuing discussions with Greenfield South ~~Power Corporation~~, it has become clear that Greenfield South has ~~not agreed to stop construction and relocate the plant~~. In light of this, the OPA has informed Greenfield South that it will not proceed with this contract.

This decision is in the best interests of Ontario communities and ratepayers, ensuring they remain the primary priority. The government intends to honour its commitment to relocate the gas generation plant as expeditiously as possible.

Comment [k1]: Might be better phrasing to say '...it has become clear Greenfield South has no intent to discuss relocation and has continued construction.'

For media inquiries call:

Erika Botond, Minister's Office, 416-327-4418

erika.botond@ontario.ca

Paul Gerard, Communications Branch, 416-327-7726

Paul.gerard@ontario.ca

ontario.ca/energy-news

Disponible en français

For public inquiries call:

1-888-668-4636 TTY: 1-800-239-4224

Fisher, Petra (ENERGY)

From: Silva, Joseph (ENERGY)
Sent: November-14-11 8:01 PM
To: Lindsay, David (ENERGY)
Subject: RE: talked to
Attachments: image001.gif

Attachment is image below

Thanks Deputy.

I'm just getting through my emails, and there's indication from MO (Erika Botond) that the statement is planned for release no earlier than tomorrow afternoon.

Once we've received a version that ENERGY and OPA folks are comfortable with, we'll share with CO before sending out.

Joseph

From: Lindsay, David (ENERGY)
Sent: November 14, 2011 7:57 PM
To: Silva, Joseph (ENERGY)
Subject: Fw: talked to

FYI.

We need to be clear on what is going when.

I'm not clear on when the Minister's statement should be released. So let's double check with Cabinet office before anyone "presses send". Colin makes some good points about timing, but I wasn't in the communications meetings to know if there is another strategy.

David

From: Colin Andersen <Colin.Andersen@powerauthority.on.ca>
To: Lindsay, David (ENERGY); Gherson, Giles (CAB)
Cc: Michael Lyle <Michael.Lyle@powerauthority.on.ca>; abirchenough@cogeco.ca <abirchenough@cogeco.ca>; Michael Killeavy <Michael.Killeavy@powerauthority.on.ca>; jim.hinds@irish-line.com <jim.hinds@irish-line.com>; Patricia Phillips <Patricia.Phillips@powerauthority.on.ca>
Sent: Mon Nov 14 19:41:36 2011
Subject: RE: talked to

To be more consistent with where discussions are at (ie another meeting before phase 2 letter) I think the last sentence of para 2 should read as:

In light of this, the OPA has informed Greenfield South that if mutual agreement based on appropriate compensation is not reached, the OPA will not proceed with this contract.

If a press release could wait till tomorrow night or wed that might be better re discussions, but understand the desire for sooner

We are on standby to send letter to GV once we receive M letter. We will notify when sent. Let us know if NR is to go out.

Full NR body with my change:

The Ontario Power Authority (OPA) has informed the province that despite best efforts to work with Greenfield South Power Corporation, the OPA is moving forward with the next step to meet the government's commitment to relocate the Greenfield South generating plant.

After several weeks of continuing discussions with Greenfield South, it has become clear that Greenfield South has not agreed to stop construction and relocate the plant. In light of this, the OPA has informed Greenfield South that if mutual agreement based on appropriate compensation is not reached, the OPA will not proceed with this contract.

This decision is in the best interests of Ontario communities and ratepayers, ensuring they remain the primary priority.

Colin Andersen
Chief Executive Officer

Ontario Power Authority
120 Adelaide Street West, Suite 1600
Toronto, Ontario M5H 1T1
T. 416 969 6399
F. 416 969 6380
colin.andersen@powerauthority.on.ca
www.powerauthority.on.ca



Please consider your environmental responsibility before printing this email

From: Lindsay, David (ENERGY) [mailto:David.Lindsay@ontario.ca]
Sent: Monday, November 14, 2011 7:28 PM
To: Colin Andersen; Gherson, Giles (CAB)
Cc: Michael Lyle; abirchenough@cogeco.ca; Michael Killeavy; jim.hinds@irish-line.com
Subject: RE: talked to

Colin,

I mis-spoke in my previous e-mail ... apparently the draft of the communications statement is to get feedback from OPA not Cabinet office...

From: Colin Andersen [mailto:Colin.Andersen@powerauthority.on.ca]
Sent: November 14, 2011 7:14 PM
To: Gherson, Giles (CAB); Lindsay, David (ENERGY)
Cc: Michael Lyle; abirchenough@cogeco.ca; Michael Killeavy; jim.hinds@irish-line.com
Subject: talked to

GV – re a meeting tomorrow aft. He needs to change some things but will get back to me in the morning. Told him a letter likely coming tonight or tomorrow.

Do we have a signed letter from M yet? Or a press release redraft?

Colin Andersen
Chief Executive Officer

Ontario Power Authority
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F. 416 969 6380
colin.andersen@powerauthority.on.ca
www.powerauthority.on.ca



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Fisher, Petra (ENERGY)

From: Lindsay, David (ENERGY)
Sent: November-14-11 8:02 PM
To: 'Colin.Andersen@powerauthority.on.ca'
Subject: Re: talked to
Attachments: image001.gif

Attachment is image below

Hi Colin,

Thanks for the good suggestions. I'm not sure who is the final pen on this "Minister's Statement" it seems to have lots of input from various sources. I'll forward your wording comments to our communications folks but other offices seem to get involved at various points so we will just need to keep a watching brief on where it lands.

David

From: Colin Andersen <Colin.Andersen@powerauthority.on.ca>
To: Lindsay, David (ENERGY); Gherson, Giles (CAB)
Cc: Michael Lyle <Michael.Lyle@powerauthority.on.ca>; abirchenough@cogeco.ca <abirchenough@cogeco.ca>; Michael Killeavy <Michael.Killeavy@powerauthority.on.ca>; jim.hinds@irish-line.com <jim.hinds@irish-line.com>; Patricia Phillips <Patricia.Phillips@powerauthority.on.ca>
Sent: Mon Nov 14 19:41:36 2011
Subject: RE: talked to

To be more consistent with where discussions are at (ie another meeting before phase 2 letter) I think the last sentence of para 2 should read as:

In light of this, the OPA has informed Greenfield South that if mutual agreement based on appropriate compensation is not reached, the OPA will not proceed with this contract.

If a press release could wait till tomorrow night or wed that might be better re discussions, but understand the desire for sooner

We are on standby to send letter to GV once we receive M letter. We will notify when sent. Let us know if NR is to go out.

Full NR body with my change:

The Ontario Power Authority (OPA) has informed the province that despite best efforts to work with Greenfield South Power Corporation, the OPA is moving forward with the next step to meet the government's commitment to relocate the Greenfield South generating plant.

After several weeks of continuing discussions with Greenfield South, it has become clear that Greenfield South has not agreed to stop construction and relocate the plant. In light of this, the OPA has informed Greenfield South that if mutual agreement based on appropriate compensation is not reached, the OPA will not proceed with this contract.

This decision is in the best interests of Ontario communities and ratepayers, ensuring they remain the primary priority.

Colin Andersen
Chief Executive Officer

Ontario Power Authority
120 Adelaide Street West, Suite 1600
Toronto, Ontario M5H 1T1
T. 416 969 6399
F. 416 969 6380
colin.andersen@powerauthority.on.ca
www.powerauthority.on.ca



Please consider your environmental responsibility before printing this email

From: Lindsay, David (ENERGY) [mailto:David.Lindsay@ontario.ca]
Sent: Monday, November 14, 2011 7:28 PM
To: Colin Andersen; Gherson, Giles (CAB)
Cc: Michael Lyle; abirchenough@cogeco.ca; Michael Killeavy; jim.hinds@irish-line.com
Subject: RE: talked to

Colin,

I mis-spoke in my previous e-mail ... apparently the draft of the communications statement is to get feedback from OPA not Cabinet office...

From: Colin Andersen [mailto:Colin.Andersen@powerauthority.on.ca]
Sent: November 14, 2011 7:14 PM
To: Gherson, Giles (CAB); Lindsay, David (ENERGY)
Cc: Michael Lyle; abirchenough@cogeco.ca; Michael Killeavy; jim.hinds@irish-line.com
Subject: talked to

GV – re a meeting tomorrow aft. He needs to change some things but will get back to me in the morning. Told him a letter likely coming tonight or tomorrow.

Do we have a signed letter from M yet? Or a press release redraft?

Colin Andersen
Chief Executive Officer

Ontario Power Authority
120 Adelaide Street West, Suite 1600
Toronto, Ontario M5H 1T1
T. 416 969 6399
F. 416 969 6380
colin.andersen@powerauthority.on.ca
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distribution or copying of this e-mail message or any files transmitted with it is strictly prohibited. If you have received this message in error, or are not the named recipient(s), please notify the sender immediately and delete this e-mail message.

Cayley, Daniel (ENERGY)

From: Silva, Joseph (ENERGY)
Sent: November-14-11 8:36 PM
To: Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); Jennings, Rick (ENERGY); MacLennan, Craig (ENERGY)
Cc: Kulendran, Jesse (ENERGY)
Subject: Scanned - Letter to J Hinds
Attachments: document2011-11-14-202257.pdf

Hi everyone – attached is the scanned copy of the letter signed by the Minister. This has been emailed to Mr Hinds a few minutes ago. Hard copy to come by mail.

Joseph

From: DoNotReply@ontario.ca [mailto:DoNotReply@ontario.ca]
Sent: November 14, 2011 8:23 PM
To: Silva, Joseph (ENERGY)
Subject: scanned document from MEI DMO IBM 1769MFP



Ministry of Energy

Office of the Minister

4th Floor, Hearst Block
900 Bay Street
Toronto ON M7A 2E1
Tel.: 416-327-6758
Fax: 416-327-6754

Ministère de l'Énergie

Bureau du ministre

4^e étage, édifice Hearst
900, rue Bay
Toronto ON M7A 2E1
Tél. : 416 327-6758
Télé. : 416 327-6754

November 14, 2011

Mr. Jim Hinds
Chair

Ontario Power Authority
1600-120 Adelaide Street West
Toronto ON M5H 1T1

Dear Mr. Hinds:

In response to your letter of November 10, 2011 and in recognition that community opposition to the Greenfield South Generation Facility is ongoing and well documented, I am writing to acknowledge the OPA's efforts to negotiate with the developer of the facility, Greenfield South Power Corporation, with an aim to achieving a satisfactory resolution concerning the Mississauga site. The government remains committed to having the plant relocated.

I have given careful consideration to public statements, correspondence to the government and resolutions of the Council of the City of Mississauga. While full recognition must be given to rate-payer value and the fair treatment of contractual counterparties, as suggested in your letter, in light of the strong and persistent opposition to the plant, the government supports the OPA's decision to not proceed with the contract and any other appropriate commercial and other steps that the OPA must take in seeking to stop construction of the gas plant at its current location. The government will give due consideration to the question you have raised about the allocation of compensation.

The circumstances in Mississauga are unique. The government remains committed to a strong, stable supply of electricity for Ontario and continued support of those making investments in Ontario's electricity system.

Sincerely,

A handwritten signature in dark ink, appearing to be 'CB' followed by a stylized flourish.

Chris Bentley
Minister

c: David Lindsay, Deputy Minister

Fisher, Petra (ENERGY)

From: Lindsay, David (ENERGY)
Sent: November-14-11 8:39 PM
To: 'Colin.Andersen@powerauthority.on.ca'
Subject: Fw: Letter from the Minister of Energy re Greenfield South Generation Facility
Attachments: Letter to Jim Hinds from Minister of Energy November 14 2011.pdf
Importance: High Duplicate attachment removed

Colin,

Here is the Minister's signed letter.

David

From: Silva, Joseph (ENERGY)
To: 'Jim.hinds@irish-line.com' <Jim.hinds@irish-line.com>
Cc: Lindsay, David (ENERGY)
Sent: Mon Nov 14 20:33:46 2011
Subject: Letter from the Minister of Energy re Greenfield South Generation Facility

Good evening Mr. Hinds.

Please find attached the scanned copy of a letter from the Honourable Chris Bentley, Minister of Energy.

The original letter will be sent to your office at the Ontario Power Authority.

Thank you.

Joseph Silva
Executive Assistant to the Deputy Minister of Energy
Hearst Block 4th Flr, 900 Bay St, Toronto ON M7A 2E1
Tel: 416-325-2371 , Email: Joseph.Silva@ontario.ca

Cayley, Daniel (ENERGY)

From: jim.hinds@irish-line.com
Sent: November-14-11 8:43 PM
To: Silva, Joseph (ENERGY)
Cc: Lindsay, David (ENERGY); Colin Andersen
Subject: Re: Letter from the Minister of Energy re Greenfield South Generation Facility

Joseph,

Good letter. Acknowledge receipt. Regards,

Jim.

Sent from my BlackBerry device on the Rogers Wireless Network

From: "Silva, Joseph (ENERGY)" <Joseph.Silva@ontario.ca>
Date: Mon, 14 Nov 2011 20:33:46 -0500
To: <Jim.hinds@irish-line.com>
Cc: Lindsay, David (ENERGY)<David.Lindsay@ontario.ca>
Subject: Letter from the Minister of Energy re Greenfield South Generation Facility

Good evening Mr. Hinds.

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The original letter will be sent to your office at the Ontario Power Authority.

Thank you.

Joseph Silva
Executive Assistant to the Deputy Minister of Energy
Hearst Block 4th Flr, 900 Bay St, Toronto ON M7A 2E1
Tel: 416-325-2371 , Email: Joseph.Silva@ontario.ca

Fisher, Petra (ENERGY)

From: Lindsay, David (ENERGY)
Sent: November-14-11 8:45 PM
To: Gherson, Giles (CAB)
Subject: Fw: Letter from the Minister of Energy re Greenfield South Generation Facility

Looks like we can move on from the letter to the communications strategy.

David

From: jim.hinds@irish-line.com <jim.hinds@irish-line.com>
To: Silva, Joseph (ENERGY)
Cc: Lindsay, David (ENERGY); Colin Andersen <colin.andersen@powerauthority.on.ca>
Sent: Mon Nov 14 20:43:11 2011
Subject: Re: Letter from the Minister of Energy re Greenfield South Generation Facility

Joseph,

Good letter. Acknowledge receipt. Regards,

Jim.

Sent from my BlackBerry device on the Rogers Wireless Network

From: "Silva, Joseph (ENERGY)" <Joseph.Silva@ontario.ca>
Date: Mon, 14 Nov 2011 20:33:46 -0500
To: <Jim.hinds@irish-line.com>
Cc: Lindsay, David (ENERGY)<David.Lindsay@ontario.ca>
Subject: Letter from the Minister of Energy re Greenfield South Generation Facility

Good evening Mr. Hinds.

Please find attached the scanned copy of a letter from the Honourable Chris Bentley, Minister of Energy.

The original letter will be sent to your office at the Ontario Power Authority.

Thank you.

Joseph Silva
Executive Assistant to the Deputy Minister of Energy
Hearst Block 4th Flr, 900 Bay St, Toronto ON M7A 2E1
Tel: 416-325-2371 , Email: Joseph.Silva@ontario.ca

Fisher, Petra (ENERGY)

From: Silva, Joseph (ENERGY)
Sent: November-14-11 8:55 PM
To: Lindsay, David (ENERGY)
Cc: Kulendran, Jesse (ENERGY)
Subject: RE:

Thanks Deputy.

I'm cc'ng Jesse as she's been helping with the liaison on the statement while I've been trying to focus on the letter.

Jesse indicated to me that the latest intel (from MO) is to now wait until after the Step 2 (repudiation letter from OPA to Greenfield) has been sent out. This means the media release won't happen until Wednesday. In any event, we'll be vigilant on timing of the media release and ensure content accordingly.

Joseph

From: Lindsay, David (ENERGY)
Sent: November 14, 2011 8:38 PM
To: Silva, Joseph (ENERGY)
Subject: Re:

Thanks for all your help processing this. Sounds like we have touched all the right bases.

The one outstanding issue is the timing of the media release. I tend to agree with Colin that the public announcement is not urgent for tomorrow but if the political decision is to send out a statement then the appropriate wording change as per Colin's suggestion should be made.

David

From: Silva, Joseph (ENERGY)
To: Lindsay, David (ENERGY)
Sent: Mon Nov 14 20:30:19 2011
Subject:

Deputy – Minister has signed. I'll scan and send out to Mr Hinds, cc you, by email. Will you share with Colin and Giles?

I will then share a scanned copy with Craig, our legal team. I also plan on sharing a copy with Steen.

Joseph Silva

Executive Assistant (A) to the Deputy Minister of Energy

Hearst Block 4th Flr, 900 Bay St, Toronto ON M7A 2E1

Tel: 416-325-2371 , Email: Joseph.Silva@ontario.ca

Fisher, Petra (ENERGY)

From: Gherson, Giles (CAB)
Sent: November-14-11 11:07 PM
To: 'Colin.Andersen@powerauthority.on.ca'; Betzner, Lynn (CAB); Lindsay, David (ENERGY); 'Michael.Lyle@powerauthority.on.ca'
Subject: Re: Status

That should be OK as long as the P doesn't have a media availability tomorrow. If he does, it's clear he wants to say something stronger in response to "when will construction on the plant stop?" than simply "discussions are continuing". That's not working for him any longer.
If he can wait till pre-Cabinet scrum at Wednesday noon, we'll have the stage 2 statement.

----- Original Message -----

From: Colin Andersen <Colin.Andersen@powerauthority.on.ca>
To: Gherson, Giles (CAB); Betzner, Lynn (CAB); Lindsay, David (ENERGY); Michael Lyle <Michael.Lyle@powerauthority.on.ca>
Sent: Mon Nov 14 22:35:09 2011
Subject: Status

After various emails/phone calls here's where I think we should go:

- send stage 1 letter to vogt tonight/first thing tues am
- OPA (me) to meet vogt tues pm
- prepare to do stage 2 wed if appropriate (no visble work stoppage imminent)
- no press release til stage 2 letter sent (My understanding is that ministry and PO comms had agreed to this)

The alternative is to send out a press release with my wording if one is needed before stage 2. We are not sending letter to have it scuppered by the other wrongly worded press release so pls confirm no press release til wed

G and/or L, pls confirm.

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Fisher, Petra (ENERGY)

From: Betzner, Lynn (CAB)
Sent: November-15-11 6:01 AM
To: 'Colin.Andersen@powerauthority.on.ca'; Gherson, Giles (CAB); Lindsay, David (ENERGY); 'Michael.Lyle@powerauthority.on.ca'
Subject: Re: Status

Hi - the P has a speech to the economic club today, so I would expect him to be scrummed. As Giles has indicated, he should have a line to use that is different than previous messages.

Will link in and let you know re: timing of news release whether today or tomorrow - Lynn

----- Original Message -----

From: Colin Andersen <Colin.Andersen@powerauthority.on.ca>
To: Gherson, Giles (CAB); Betzner, Lynn (CAB); Lindsay, David (ENERGY); Michael Lyle <Michael.Lyle@powerauthority.on.ca>
Sent: Mon Nov 14 23:25:20 2011
Subject: Re: Status

We will send letter in morning first thing. Pls alert us before a nr goes out if one is necessary. Alternatively, perhaps he could message similar to what would otherwise be in the nr (our latest wording)

----- Original Message -----

From: Gherson, Giles (CAB) [mailto:giles.gherson@ontario.ca]
Sent: Monday, November 14, 2011 11:07 PM
To: Colin Andersen; Betzner, Lynn (CAB) <Lynn.Betzner@ontario.ca>; Lindsay, David (ENERGY) <David.Lindsay@ontario.ca>; Michael Lyle
Subject: Re: Status

That should be OK as long as the P doesn't have a media availability tomorrow. If he does, it's clear he wants to say something stronger in response to "when will construction on the plant stop?" than simply "discussions are continuing". That's not working for him any longer.

If he can wait till pre-Cabinet scrum at Wednesday noon, we'll have the stage 2 statement.

----- Original Message -----

From: Colin Andersen <Colin.Andersen@powerauthority.on.ca>
To: Gherson, Giles (CAB); Betzner, Lynn (CAB); Lindsay, David (ENERGY); Michael Lyle <Michael.Lyle@powerauthority.on.ca>
Sent: Mon Nov 14 22:35:09 2011
Subject: Status

After various emails/phone calls here's where I think we should go:

- send stage 1 letter to vogt tonight/first thing tues am
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Fisher, Petra (ENERGY)

From: Betzner, Lynn (CAB)
Sent: November-15-11 6:01 AM
To: Lindsay, David (ENERGY)
Subject: Re: Tuesday and Wednesday Communications

Hi David - that would be great. I am available at 7:15 at 416-232-2989 if that works. Lynn

----- Original Message -----

From: Lindsay, David (ENERGY)
To: Betzner, Lynn (CAB)
Sent: Mon Nov 14 23:01:13 2011
Subject: Tuesday and Wednesday Communications

Giles has asked me to help explain the sequence of letters and negotiations on the Mississauga file over the next 24 hours in order to help coordinate our communications.

I have an 8 o'clock breakfast. Can we chat before that tomorrow morning?

David

Fisher, Petra (ENERGY)

From: Gherson, Giles (CAB)
Sent: November-15-11 6:41 AM
To: Betzner, Lynn (CAB); Lindsay, David (ENERGY)
Subject: Re:

I'm fine with this messaging --and it is what PO is looking for. But does it go too far for Colin's purposes, which is to seek a voluntary work stop at his meeting with Eastern today?

----- Original Message -----

From: Betzner, Lynn (CAB)
To: Gherson, Giles (CAB); Lindsay, David (MNDMF)
Cc: McMichael, Rhonda (CAB)
Sent: Tue Nov 15 06:14:17 2011
Subject:

Hi - The below was the 2 step messaging for Tuesday. Let me know if you are OK with this. Its messaging we can give to the PO. Then have more formal communications on Wed. Noting the P gets scrubbed before 12:00 cabinet on wed. David and I will discuss this morning:

"I understand the OPA has notified Greenfield South that it will not be proceeding with the contract.

It is our expectation that Greenfield South will stop construction at the site."

Fisher, Petra (ENERGY)

From: Kulendran, Jesse (ENERGY)
Sent: November-15-11 9:31 AM
To: Lindsay, David (ENERGY)
Cc: Silva, Joseph (ENERGY)
Subject: Statement
Attachments: 2011-11-15 Minister's Statement4a legal(rk)PO.clean.DOC

Here's the latest version of the statement (incorporates PO's changes). The statement is intended for release *after* the phase 2 letter goes out from the OPA (ideally Wednesday morning).

STATEMENT BY CHRIS BENTLEY, MINISTER OF ENERGY

November 15, 2011

The government made a commitment to Mississauga residents to relocate the Greenfield South generating plant.

Today, the Ontario Power Authority (OPA) informed the province that despite best efforts to work with Greenfield South Power Corporation, they have taken the next step to meet the government's commitment to relocate the Greenfield South generating plant.

After several weeks of discussions, it has become clear that Greenfield South has no intent to consider relocation and continues construction. In light of this, the OPA has informed Greenfield South that it will not proceed with this contract.

This decision is in the best interests of Ontario communities and ratepayers, ensuring they remain the primary priority. The government intends to honour its commitment to relocate the gas generation plant as expeditiously as possible.

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November 15, 2011

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This decision is in the best interests of Ontario communities and ratepayers, ensuring they remain the primary priority. The government intends to honour its commitment to relocate the gas generation plant as expeditiously as possible.

For media inquiries call:
Erika Botond, Minister's Office, 416-327-4418
erika.botond@ontario.ca
Paul Gerard, Communications Branch, 416-327-7226
Paul.gerard@ontario.ca

ontario.ca/energy-news
Disponible en français

For public inquiries call:
1-888-668-4636 TTY: 1-800-239-4224

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-15-11 9:32 AM
To: Kovesfalvi, Sylvia (ENERGY); Botond, Erika (ENERGY);
'Patricia.Phillips@powerauthority.on.ca'; Dunn, Ryan (ENERGY); Kulendran, Jesse (ENERGY); King, Ryan (ENERGY)
Cc: Nutter, George (ENERGY); Gemmiti, Paola (ENERGY); Sharkawi, Rula (ENERGY)
Subject: Re: TIME-SENSITIVE: Greenfield draft statement, latest version

The reference to "they" in the 2nd sentence of the 2nd para is ambiguous - should be "the OPA".

I think the second option (addressing the comment) is more accurate.

Carolyn

From: Kovesfalvi, Sylvia (ENERGY)
To: Botond, Erika (ENERGY); Patricia Phillips <Patricia.Phillips@powerauthority.on.ca>; Dunn, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kulendran, Jesse (ENERGY); King, Ryan (ENERGY)
Cc: Nutter, George (ENERGY); Gemmiti, Paola (MAA); Sharkawi, Rula (ENERGY)
Sent: Tue Nov 15 09:22:18 2011
Subject: TIME-SENSITIVE: Greenfield draft statement, latest version

Hi all –

George is away today so I'll be coordinating comments on the Minister's draft statement.

Attached is latest version (clean and tracked) incorporating comments from PO received late yesterday.



STATEMENT

Ministry of Energy

STATEMENT BY CHRIS BENTLEY, MINISTER OF ENERGY

November 15th, 2011

The government made a commitment to Mississauga residents to relocate the Greenfield South generating plant.

Today, ~~the~~ the Ontario Power Authority (OPA) ~~has~~ informed the province that despite best efforts to ~~negotiate work with Greenfield South Power Corporation, the OPA is they moving forward with~~ ~~have taken~~ the next step to meet the government's commitment to relocate the Greenfield South generating plant.

After several weeks of ~~continuing discussions with Greenfield South Power Corporation,~~ it has become clear that ~~at Greenfield South has at Greenfield South has no intent to consider relocation and continues construction. not agreed to stop construction and relocate the plant.~~ In light of this, the OPA has informed Greenfield South that it will not proceed with this contract.

This decision is in the best interests of Ontario communities and ratepayers, ensuring they remain the primary priority. The government intends to honour its commitment to relocate the gas generation plant as expeditiously as possible.

Comment [k1]: Might be better phrasing to say '...it has become clear Greenfield South has no intent to discuss relocation and has continued construction.'

For media inquiries call:
Erika Botond, Minister's Office, 416-327-4418
erika.botond@ontario.ca

Paul Gerard, Communications Branch, 416-327-7272
Paul.gerard@ontario.ca

For public inquiries call:
1-888-668-4636 TTY: 1-800-239-4224

ontario.ca/energy-news
Disponible en français

STATEMENT BY CHRIS BENTLEY, MINISTER OF ENERGY

November 15, 2011

The government made a commitment to Mississauga residents to relocate the Greenfield South generating plant.

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Paul.gerard@ontario.ca

ontario.ca/energy-news
Disponible en français

For public inquiries call:
1-888-668-4636 TTY: 1-800-239-4224

Cayley, Daniel (ENERGY)

From: Michael Lyle <Michael.Lyle@powerauthority.on.ca>
Sent: November-15-11 9:37 AM
To: Perun, Halyna N. (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Subject: RE: Scanned - Letter to J Hinds
Attachments: greenest2011_english-(custom)verysmall.gif

Attachment is image below

Thanks. I will forward to you shortly the letter which went from the OPA to Greenfield South copied to the secured lenders. We are currently reviewing the exhibits to determine what of them we will still need to redact.

Michael Lyle
General Counsel and Vice President
Legal, Aboriginal & Regulatory Affairs
Ontario Power Authority
120 Adelaide Street West, Suite 1600
Toronto, Ontario, M5H 1T1
Direct: 416-969-6035
Fax: 416.969.6383
Email: michael.lyle@powerauthority.on.ca

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From: Perun, Halyna N. (ENERGY) [mailto:Halyna.Perun2@ontario.ca]
Sent: November 15, 2011 9:25 AM
To: Michael Lyle
Cc: Calwell, Carolyn (ENERGY)
Subject: FW: Scanned - Letter to J Hinds

Privileged and Confidential

Hi Mike – this was emailed to Mr. Hinds last evening – hard copy to follow today by mail.

We're in meetings this morning – but Carolyn will aim to call you about next steps later this morning. Contents of attached letter assume a "one step" approach – so we'd like to review that with you.

Minister would still like to see all schedules to the contract, so hope that that could be accommodated

Thank you!

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
BB: (416) 671-2607
E-mail: Halyna.Perun2@ontario.ca

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Cayley, Daniel (ENERGY)

From: Michael Lyle <Michael.Lyle@powerauthority.on.ca>
Sent: November-15-11 9:40 AM
To: Perun, Halyna N. (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Subject: FW: ARCES Contract Between Greenfield Power Corporation and the OPA
Attachments: November 14 2011 OPA Letter to Greenfield South.pdf

Importance: High

Duplicate attachment
removed (previously
released)

Michael Lyle
General Counsel and Vice President
Legal, Aboriginal & Regulatory Affairs
Ontario Power Authority
120 Adelaide Street West, Suite 1600
Toronto, Ontario, M5H 1T1
Direct: 416-969-6035
Fax: 416.969.6383
Email: michael.lyle@powerauthority.on.ca

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-----Original Message-----

From: Michael Killeavy
Sent: November 15, 2011 7:39 AM
To: Gergory M. Vogt (gvogt@easternpower.on.ca)
Cc: abirchenough@cogeco.ca
Subject: ARCES Contract Between Greenfield Power Corporation and the OPA
Importance: High

Greg,

Further to your conversation yesterday with Colin Andersen, attached please find the letter Colin mentioned.

Michael

Michael Killeavy, LL.B., MBA, P.Eng.
Director, Contract Management
Ontario Power Authority
120 Adelaide St. West, Suite 1600
Toronto, Ontario, M5H 1T1
416-969-6288 (office)
416-969-6071 (fax)
416-520-9788 (cell)
Michael.killeavy@powerauthority.on.ca

Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: November-15-11 9:49 AM
To: Sharkawi, Rula (ENERGY); Silva, Joseph (ENERGY); Gemmiti, Paola (ENERGY)
Cc: Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY); King, Ryan (ENERGY)
Subject: Fw: ARCES Contract Between Greenfield Power Corporation and the OPA
Attachments: November 14 2011 OPA Letter to Greenfield South.pdf
Importance: High

Duplicate attachment removed
(previously released)

Hi - please see attached - the comms material may need to be adjusted to reflect this approach (OPA still negotiating - hasn't terminated)

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

Sent using BlackBerry

----- Original Message -----

From: Michael Lyle <Michael.Lyle@powerauthority.on.ca>
To: Perun, Halyna N. (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Sent: Tue Nov 15 09:39:52 2011
Subject: FW: ARCES Contract Between Greenfield Power Corporation and the OPA

Michael Lyle
General Counsel and Vice President
Legal, Aboriginal & Regulatory Affairs
Ontario Power Authority
120 Adelaide Street West, Suite 1600
Toronto, Ontario, M5H 1T1
Direct: 416-969-6035
Fax: 416.969.6383
Email: michael.lyle@powerauthority.on.ca

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Subject: ARCES Contract Between Greenfield Power Corporation and the OPA

Importance: High

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Michael

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Michael.killeavy@powerauthority.on.ca

Fisher, Petra (ENERGY)

From: Botond, Erika (ENERGY)
Sent: November-15-11 9:59 AM
To: Kovesfalvi, Sylvia (ENERGY); 'Patricia Phillips'; Dunn, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kulendran, Jesse (ENERGY); King, Ryan (ENERGY)
Cc: Nutter, George (ENERGY); Gemmiti, Paola (MAA); Sharkawi, Rula (ENERGY); Kett, Jennifer (OPO)
Subject: RE: TIME-SENSITIVE: Greenfield draft statement, latest version
Attachments: 2011-11-15 Minister's Statement4a legal(rk)PO clean.DOC

Some other revisions from PO. Concern is it is not clear about the relocation part. That we will relocate, but that doesn't mean with Greenfield. Thoughts?

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November 15, 2011 9:22 AM
To: Botond, Erika (ENERGY); Patricia Phillips; Dunn, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kulendran, Jesse (ENERGY); King, Ryan (ENERGY)
Cc: Nutter, George (ENERGY); Gemmiti, Paola (MAA); Sharkawi, Rula (ENERGY)
Subject: TIME-SENSITIVE: Greenfield draft statement, latest version

Hi all –

George is away today so I'll be coordinating comments on the Minister's draft statement.

Attached is latest version (clean and tracked) incorporating comments from PO received late yesterday.

STATEMENT FROM ONTARIO MINISTER OF ENERGY CHRIS BENTLEY
STATEMENT BY CHRIS BENTLEY, MINISTER OF ENERGY

November 15, 2011

~~The government made a commitment to Mississauga residents to relocate the Greenfield South generating plant. The government made a specific commitment to Mississauga residents to relocate the generating plant currently under construction on the Greenfield South site.~~

Today, the Ontario Power Authority (OPA) informed the province that despite best efforts to work with Greenfield South Power Corporation, they have taken the next step to meet the government's commitment to relocate the Greenfield South generating plant.

After several weeks of discussions, it has become clear that Greenfield South has no intent to consider relocation and continues construction. In light of this, the OPA has informed Greenfield South that it will not proceed with this contract.

This decision is in the best interests of Ontario communities and ratepayers, ensuring they remain the primary priority. The government intends to honour its commitment to relocate the gas generation plant as expeditiously as possible.

For media inquiries call:
Erika Botond, Minister's Office, 416-327-4418
erika.botond@ontario.ca
Paul Gerard, Communications Branch, 416-327-7226
Paul.gerard@ontario.ca

ontario.ca/energy-news
Disponible en français

For public inquiries call:
1-888-668-4636 TTY: 1-800-239-4224

Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: November-15-11 10:02 AM
To: Calwell, Carolyn (ENERGY); Silva, Joseph (ENERGY); King, Ryan (ENERGY)
Subject: Fw: ARCES Contract Between Greenfield Power Corporation and the OPA

Fyi

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

Sent using BlackBerry

----- Original Message -----

From: Michael Lyle <Michael.Lyle@powerauthority.on.ca>
To: Perun, Halyna N. (ENERGY)
Sent: Tue Nov 15 09:55:48 2011
Subject: RE: ARCES Contract Between Greenfield Power Corporation and the OPA

Yes. Our Comms people have been talking. There was an exchange yesterday evening re the Comms message when we were pushing for clarity on the 2 step process. It appears now that there will be no communication around the letter that went out today and this will await the issuance of a 2nd letter.

Michael Lyle
General Counsel and Vice President
Legal, Aboriginal & Regulatory Affairs
Ontario Power Authority
120 Adelaide Street West, Suite 1600
Toronto, Ontario, M5H 1T1
Direct: 416-969-6035
Fax: 416.969.6383
Email: michael.lyle@powerauthority.on.ca

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-----Original Message-----

From: Perun, Halyna N. (ENERGY) [mailto:Halyna.Perun2@ontario.ca]
Sent: November 15, 2011 9:52 AM
To: Michael Lyle
Subject: Re: ARCES Contract Between Greenfield Power Corporation and the OPA

So - two step? (Am having hard time seeing this on bb) - also has your comms person been in touch w energy's about this letter by any chance? I am assuming so but have forwarded this letter to Rula's attention -

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

Sent using BlackBerry

----- Original Message -----

From: Michael Lyle <Michael.Lyle@powerauthority.on.ca>
To: Perun, Halyna N. (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Sent: Tue Nov 15 09:39:52 2011
Subject: FW: ARCES Contract Between Greenfield Power Corporation and the OPA

Michael Lyle
General Counsel and Vice President
Legal, Aboriginal & Regulatory Affairs
Ontario Power Authority
120 Adelaide Street West, Suite 1600
Toronto, Ontario, M5H 1T1
Direct: 416-969-6035
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From: Michael Killeavy

Sent: November 15, 2011 7:39 AM

To: Gergory M. Vogt (gvogt@easternpower.on.ca)

Cc: abirchenough@cogeco.ca

Subject: ARCES Contract Between Greenfield Power Corporation and the OPA

Importance: High

Greg,

Further to your conversation yesterday with Colin Andersen, attached please find the letter Colin mentioned.

Michael

Michael Killeavy, LL.B., MBA, P.Eng.

Director, Contract Management

Ontario Power Authority

120 Adelaide St. West, Suite 1600

Toronto, Ontario, M5H 1T1

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416-969-6071 (fax)

416-520-9788 (cell)

Michael.killeavy@powerauthority.on.ca

Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November-15-11 10:48 AM
To: 'Botond, Erika (ENERGY)'; 'Patricia Phillips'; Dunn, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kulendran, Jesse (ENERGY); King, Ryan (ENERGY)
Cc: Nutter, George (ENERGY); Gemmiti, Paola (MAA); Sharkawi, Rula (ENERGY); Kett, Jennifer (OPO)
Subject: RE: TIME-SENSITIVE: Greenfield draft statement, latest version
Attachments: 2011-11-15 Minister's Statement4a legal(rk)PO tracked.(5).DOC

I've made some suggested changes to help clarify.

From: Botond, Erika (ENERGY)
Sent: November 15, 2011 9:59 AM
To: Kovesfalvi, Sylvia (ENERGY); 'Patricia Phillips'; Dunn, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kulendran, Jesse (ENERGY); King, Ryan (ENERGY)
Cc: Nutter, George (ENERGY); Gemmiti, Paola (MAA); Sharkawi, Rula (ENERGY); Kett, Jennifer (OPO)
Subject: RE: TIME-SENSITIVE: Greenfield draft statement, latest version

Some other revisions from PO. Concern is it is not clear about the relocation part. That we will relocate, but that doesn't mean with Greenfield. Thoughts?

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November 15, 2011 9:22 AM
To: Botond, Erika (ENERGY); Patricia Phillips; Dunn, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kulendran, Jesse (ENERGY); King, Ryan (ENERGY)
Cc: Nutter, George (ENERGY); Gemmiti, Paola (MAA); Sharkawi, Rula (ENERGY)
Subject: TIME-SENSITIVE: Greenfield draft statement, latest version

Hi all –

George is away today so I'll be coordinating comments on the Minister's draft statement.

Attached is latest version (clean and tracked) incorporating comments from PO received late yesterday.

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STATEMENT BY CHRIS BENTLEY, MINISTER OF ENERGY

November 15, 2011

~~The government made a commitment to Mississauga residents to relocate the Greenfield South generating plant. The government made a specific commitment to Mississauga residents to relocate the generating plant currently under construction on the Greenfield South site.~~

Today, the Ontario Power Authority (OPA) informed the province that despite best efforts to work with Greenfield South Power Corporation, the OPA has ~~they have~~ taken the next step to meet the government's commitment to relocate the Greenfield South generating plant.

After several weeks of discussions, it has become clear that Greenfield South has no intent to negotiate terms of a new contract for a facility in a different location. ~~consider relocation and continues construction.~~ In light of this, the OPA has informed Greenfield South that it will not proceed with this contract.

This decision is in the best interests of Ontario communities and ratepayers, ensuring they remain the primary priority. The government intends to honour its commitment to relocate the gas generation plant as expeditiously as possible.

For media inquiries call:
Erika Botond, Minister's Office, 416-327-4418
erika.botond@ontario.ca
Paul Gerard, Communications Branch, 416-327-7226
Paul.gerard@ontario.ca

ontario.ca/energy-news
Disponible en français

For public inquiries call:
1-888-668-4636 TTY: 1-800-239-4224

Fisher, Petra (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-15-11 10:48 AM
To: Botond, Erika (ENERGY); Kovesfalvi, Sylvia (ENERGY); 'Patricia.Phillips@powerauthority.on.ca'; Dunn, Ryan (ENERGY); Kulendran, Jesse (ENERGY); King, Ryan (ENERGY)
Cc: Nutter, George (ENERGY); Gemmiti, Paola (MAA); Sharkawi, Rula (ENERGY); Kett, Jennifer (OPO)
Subject: Re: TIME-SENSITIVE: Greenfield draft statement, latest version

No concerns.

Carolyn

From: Botond, Erika (ENERGY)
To: Kovesfalvi, Sylvia (ENERGY); 'Patricia Phillips' <Patricia.Phillips@powerauthority.on.ca>; Dunn, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kulendran, Jesse (ENERGY); King, Ryan (ENERGY)
Cc: Nutter, George (ENERGY); Gemmiti, Paola (MAA); Sharkawi, Rula (ENERGY); Kett, Jennifer (OPO)
Sent: Tue Nov 15 09:59:10 2011
Subject: RE: TIME-SENSITIVE: Greenfield draft statement, latest version

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From: Kovesfalvi, Sylvia (ENERGY)
Sent: November 15, 2011 9:22 AM
To: Botond, Erika (ENERGY); Patricia Phillips; Dunn, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kulendran, Jesse (ENERGY); King, Ryan (ENERGY)
Cc: Nutter, George (ENERGY); Gemmiti, Paola (MAA); Sharkawi, Rula (ENERGY)
Subject: TIME-SENSITIVE: Greenfield draft statement, latest version

Hi all –

George is away today so I'll be coordinating comments on the Minister's draft statement.

Attached is latest version (clean and tracked) incorporating comments from PO received late yesterday.

Fisher, Petra (ENERGY)

From: Kulendran, Jesse (ENERGY)
Sent: November-15-11 11:00 AM
To: Botond, Erika (ENERGY); Dunn, Ryan (ENERGY); Kett, Jennifer (OPO)
Cc: Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY); Silva, Joseph (ENERGY); Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: DRAFT OPA STATEMENT

Here's OPA's draft statement – we've set up a call at 2pm to discuss our feedback and next steps.

DRAFT-Nov 15 11 AM

OPA TERMINATES CONTRACT FOR MISSISSAUGA POWER PLANT

TORONTO, November 16, 2011- The Ontario Power Authority announced today, that despite best efforts to work with Greenfield South Power Corporation, the contract for Greenfield's power plant in Mississauga is being terminated.

The OPA is taking this action after the owners made it clear they were not interested in negotiating an agreement to relocate the plant. With the contract terminated, Greenfield is financially liable for any further investments in the project.

OPA will work with the government to identify another site for the gas plant based on local generation needs and transmission and distribution support. Once options are identified, the public will be consulted.

Electricity supply in the southwest Greater Toronto Area is sufficient for the next five years.

-30-

Fisher, Petra (ENERGY)

From: Kulendran, Jesse (ENERGY)
Sent: November-15-11 11:01 AM
To: Lindsay, David (ENERGY)
Cc: Silva, Joseph (ENERGY)
Subject: FW: Privileged and Confidential-Draft News Release

Here's OPA's draft statement - it's been circulated with our legal/policy team as well as MO for simultaneous review.

-----Original Message-----

From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]
Sent: November 15, 2011 10:56 AM
To: Kulendran, Jesse (ENERGY)
Subject: Privileged and Confidential-Draft News Release

Here you go. I am at APPRO and doing this all on Blackberry. Can we set up call to discuss at 2 PM.

DRAFT-Nov 15 11 AM

OPA TERMINATES CONTRACT FOR MISSISSAUGA POWER PLANT

TORONTO, November 16, 2011- The Ontario Power Authority announced today, that despite best efforts to work with Greenfield South Power Corporation, the contract for Greenfield's power plant in Mississauga is being terminated.

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Fisher, Petra (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November-15-11 11:03 AM
To: Calwell, Carolyn (ENERGY)
Subject: FW: ARCES Contract Between Greenfield Power Corporation and the OPA
Attachments: November 14 2011 OPA Letter to Greenfield South.pdf

Importance: High

Duplicate attachment removed
(previously released)

Sorry for delay. Computer crashed.

-----Original Message-----

From: Sharkawi, Rula (ENERGY)
Sent: November 15, 2011 10:17 AM
To: Kovesfalvi, Sylvia (ENERGY)
Subject: Fw: ARCES Contract Between Greenfield Power Corporation and the OPA
Importance: High

Looping you in.

----- Original Message -----

From: Perun, Halyna N. (ENERGY)
To: Sharkawi, Rula (ENERGY); Silva, Joseph (ENERGY); Gemmiti, Paola (ENERGY)
Cc: Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY); King, Ryan (ENERGY)
Sent: Tue Nov 15 09:48:52 2011
Subject: Fw: ARCES Contract Between Greenfield Power Corporation and the OPA

Hi - please see attached - the comms material may need to be adjusted to reflect this approach (OPA still negotiating - hasn't terminated)

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

Sent using BlackBerry

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From: Michael Lyle <Michael.Lyle@powerauthority.on.ca>
To: Perun, Halyna N. (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Sent: Tue Nov 15 09:39:52 2011
Subject: FW: ARCES Contract Between Greenfield Power Corporation and the OPA

Michael Lyle
General Counsel and Vice President

Legal, Aboriginal & Regulatory Affairs
Ontario Power Authority
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From: Michael Killeavy
Sent: November 15, 2011 7:39 AM
To: Gergory M. Vogt (gvogt@easternpower.on.ca)
Cc: abirchenough@cogeco.ca
Subject: ARCES Contract Between Greenfield Power Corporation and the OPA
Importance: High

Greg,

Further to your conversation yesterday with Colin Andersen, attached please find the letter Colin mentioned.

Michael

Michael Killeavy, LL.B., MBA, P.Eng.
Director, Contract Management
Ontario Power Authority
120 Adelaide St. West, Suite 1600
Toronto, Ontario, M5H 1T1
416-969-6288 (office)
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416-520-9788 (cell)
Michael.killeavy@powerauthority.on.ca

Fisher, Petra (ENERGY)

From: Botond, Erika (ENERGY)
Sent: November-15-11 11:15 AM
To: Kulendran, Jesse (ENERGY)
Cc: Dunn, Ryan (ENERGY); Kett, Jennifer (OPO)
Subject: Our thoughts

Sending to PO now. Here are our thoughts.

DRAFT-Nov 15 11 AM

OPA TERMINATES CONTRACT FOR MISSISSAUGA POWER PLANT

TORONTO, November 16, 2011- The Ontario Power Authority announced today, that despite best efforts to work with Greenfield South Power Corporation, the contract for Greenfield's power plant in Mississauga is being terminated.

After several weeks of discussions it has become clear that Greenfield South has no intent to consider relocation and continues construction. In light of this, the company has been notified that the contract is terminated. Greenfield is financially liable for any further investments in the project.

The OPA will continue to work with the government to identify another site for the gas plant based on local generation needs and transmission and distribution support to ensure a long-term reliable supply of electricity.

-30-

Fisher, Petra (ENERGY)

From: Kulendran, Jesse (ENERGY)
Sent: November-15-11 11:15 AM
To: Lindsay, David (ENERGY)
Cc: Silva, Joseph (ENERGY)
Subject: Minister's Statement

Seems the MO has redrafted ... the newest version is below ...

We made a commitment to residents in Mississauga and Etobicoke to relocate the gas generating plant currently under construction.

When the plant was first proposed, there were empty fields surrounding it. Now, there are hundreds of families living in condominiums nearby. ~~next door~~. We listened to the community's concerns ~~and we acted~~.

Unfortunately, after several weeks of discussion with the corporate owners of the plant, they have not agreed to stop construction and relocate.

In light of this, the Ontario Power Authority has formally informed the corporation that it will not proceed with its contract. And we are updating our guidelines for where gas-fired generating plants can be located in Ontario.

Ontario families and businesses still need new, reliable supplies of clean power to power our homes and businesses. That's why we intend to relocate the gas generation plant and have it supplying power as quickly as possible.

Fisher, Petra (ENERGY)

From: Botond, Erika (ENERGY)
Sent: November-15-11 11:22 AM
To: Kulendran, Jesse (ENERGY)
Cc: Dunn, Ryan (ENERGY); Kett, Jennifer (OPO)
Subject: FW: 2011-11-16 Minister's Statemen.DOC
Attachments: 2011-11-16 Minister's Statemen.DOC

Importance: High

Hey – can you share with the OPA. This has legal's changes and input from PO.

We made a specific commitment to residents in Mississauga and Etobicoke to relocate the gas generating plant currently under construction.

When the plant was first proposed, there were empty fields surrounding it. Now, there are hundreds of families living in condominiums nearby. We listened to the community's concerns.

Unfortunately, after several weeks of discussion with the corporate owners of the plant, they have not agreed to stop construction and relocate.

In light of this, the Ontario Power Authority has formally informed the corporation that it will not proceed with its contract. And we are reviewing practices for where gas-fired generating plants can be located in Ontario.

Ontario families and businesses still need new, reliable supplies of clean power to power our homes and businesses. That's why we intend to relocate the gas generation plant and have it supplying power as quickly as possible.

STATEMENT FROM ONTARIO MINISTER OF ENERGY CHRIS BENTLEY

November 16, 2011

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erika.botond@ontario.ca
Paul Gerard, Communications Branch, 416-327-7226
Paul.gerard@ontario.ca

ontario.ca/energy-news
Disponible en français

For public inquiries call:
1-888-668-4636 TTY: 1-800-239-4224

Cayley, Daniel (ENERGY)

From: Michael Lyle <Michael.Lyle@powerauthority.on.ca>
Sent: November-15-11 11:31 AM
To: Calwell, Carolyn (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: Contract with Exhibits
Attachments: ARCES Greenfield South with Exhibits 20090316.pdf; greenest2011_english-(custom) verysmall.gif

Duplicate attachment removed (previously released)/gif attachment is image below

As per my phone message.

Michael Lyle
General Counsel and Vice President
Legal, Aboriginal & Regulatory Affairs
Ontario Power Authority
120 Adelaide Street West, Suite 1600
Toronto, Ontario, M5H 1T1
Direct: 416-969-6035
Fax: 416.969.6383
Email: michael.lyle@powerauthority.on.ca

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Fisher, Petra (ENERGY)

From: Kulendran, Jesse (ENERGY)
Sent: November-15-11 11:42 AM
To: Lindsay, David (ENERGY)
Cc: Silva, Joseph (ENERGY)
Subject: Fw: Revised Statements - OPA & ENERGY

FYI.

Jesse Kulendran - Senior Coordinator, Policy & Special Projects - Deputy Minister's Office - Ministry of Energy - Tel.: 416-327-7025 - Blackberry: 416-206-1394

From: Kristin Jenkins <Kristin.Jenkins@powerauthority.on.ca>
To: Kulendran, Jesse (ENERGY)
Cc: Colin Andersen <Colin.Andersen@powerauthority.on.ca>
Sent: Tue Nov 15 11:35:41 2011
Subject: Re: Revised Statements - OPA & ENERGY

Hi Jesse. I am fine with wording changes which were to eliminate last paragraph on local supply and tweak language on the process we've undertaken with GS. Colin on panel until noon so he can't review right now. Colin wants the draft discussed at 4 PM steering meeting particularly use of word "terminated" vs "not proceed" Is that planned?

From: Kulendran, Jesse (ENERGY) [mailto:Jesse.Kulendran@ontario.ca]
Sent: Tuesday, November 15, 2011 11:28 AM
To: Kristin Jenkins
Cc: Patricia Phillips; Lindsay, David (ENERGY) <David.Lindsay@ontario.ca>; Jennings, Rick (ENERGY) <Rick.Jennings@ontario.ca>; Calwell, Carolyn (ENERGY) <Carolyn.Calwell@ontario.ca>; Silva, Joseph (ENERGY) <Joseph.Silva@ontario.ca>; Sharkawi, Rula (ENERGY) <Rula.Sharkawi@ontario.ca>; Gemmiti, Paola (ENERGY) <Paola.Gemmiti@ontario.ca>; Kovesfalvi, Sylvia (ENERGY) <Sylvia.Kovesfalvi@ontario.ca>; Colin Andersen
Subject: Revised Statements - OPA & ENERGY

Kristin,

There are some tweaks to OPA's statement as well as a revised ENERGY statement. Could you please review both versions and let us know if you have any comments? Please note - these are simultaneously being reviewed by PO/CO.

OPA DRAFT- 15 NOV 2011 -11:30am

OPA TERMINATES CONTRACT FOR MISSISSAUGA POWER PLANT

TORONTO, November 16, 2011- The Ontario Power Authority announced today, that despite best efforts to work with Greenfield South Power Corporation, the contract for Greenfield's power plant in Mississauga is being terminated.

After several weeks of discussions it has become clear that Greenfield South has no intent to consider relocation and continues construction. In light of this, the company has been notified that the contract is terminated. Greenfield is financially liable for any further investments in the project.

The OPA will continue to work with the government to identify another site for the gas plant based on local generation needs and transmission and distribution support to ensure a long-term reliable supply of electricity.

-30-

MINISTRY DRAFT – 15 NOV 2011 – 11:30am

STATEMENT FROM ONTARIO MINISTER OF ENERGY CHRIS BENTLEY

We made a specific commitment to residents in Mississauga and Etobicoke to relocate the gas generating plant currently under construction.

When the plant was first proposed, there were empty fields surrounding it. Now, there are hundreds of families living in condominiums nearby. We listened to the community's concerns.

Unfortunately, after several weeks of discussion with the corporate owners of the plant, they have not agreed to stop construction and relocate.

In light of this, the Ontario Power Authority has formally informed the corporation that it will not proceed with its contract. And we are reviewing practices for where gas-fired generating plants can be located in Ontario.

Ontario families and businesses still need new, reliable supplies of clean power to power our homes and businesses. That's why we intend to relocate the gas generation plant and have it supplying power as quickly as possible.

-30-

Thanks, Jesse

Jesse Kulendran · Senior Coordinator, Policy & Special Projects
Office of the Deputy Minister · Ministry of Energy
Tel.: 416-327-7025 · Blackberry: 416-206-1394

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Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-15-11 11:43 AM
To: Silva, Joseph (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: FW: Contract with Exhibits
Attachments: ARCES Greenfield South with Exhibits 20090316.pdf; greenest2011_english-(custom) verysmall.gif

Duplicate attachment removed (previously released)/gif attachment is image below

Joseph, attached is the contract with the Exhibits except for Exhibit B. Exhibit B contains confidential commercial information from Greenfield that was used to derive the Monthly Payment that Greenfield would receive. The OPA takes the position that it cannot provide this information due to the confidentiality provisions of the agreement itself. I would suggest that we can glean the information that we need without the benefit of this Exhibit.

Carolyn

From: Michael Lyle [mailto:Michael.Lyle@powerauthority.on.ca]
Sent: November 15, 2011 11:31 AM
To: Calwell, Carolyn (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: Contract with Exhibits

As per my phone message.

Michael Lyle
General Counsel and Vice President
Legal, Aboriginal & Regulatory Affairs
Ontario Power Authority
120 Adelaide Street West, Suite 1600
Toronto, Ontario, M5H 1T1
Direct: 416-969-6035
Fax: 416.969.6383
Email: michael.lyle@powerauthority.on.ca

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Cayley, Daniel (ENERGY)

From: Jennings, Rick (ENERGY)
Sent: November-15-11 11:51 AM
To: King, Ryan (ENERGY)
Subject: FW: Revised Statements - OPA & ENERGY
Attachments: 2011-11-16 Minister's Statemen.DOC

Importance: High

2nd statement looks worse

From: Kulendran, Jesse (ENERGY)
Sent: November 15, 2011 11:29 AM
To: 'Kristin Jenkins'
Cc: Patricia Phillips; Lindsay, David (ENERGY); Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY); Silva, Joseph (ENERGY); Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Kovesfalvi, Sylvia (ENERGY); Colin Andersen
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Importance: High

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Jesse Kulendran · Senior Coordinator, Policy & Special Projects
Office of the Deputy Minister · Ministry of Energy
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For media inquiries call:
Erika Botond, Minister's Office, 416-327-4418
erika.botond@ontario.ca
Paul Gerard, Communications Branch, 416-327-7226
Paul.gerard@ontario.ca

ontario.ca/energy-news
Disponible en français

For public inquiries call:
1-888-668-4636 TTY: 1-800-239-4224

Fisher, Petra (ENERGY)

From: Rehob, James (ENERGY)
Sent: October-02-12 7:53 PM
To: Rehob, James (ENERGY)
Subject: FW: Greenfield South Matters
Attachments: Adams Mine Lakes Act-2004.doc

From: Rehob, James (ENERGY)
Sent: Tuesday, November 15, 2011 11:59 AM
To: Linington, Brenda (ENERGY)
Cc: Letourneau, Amanda (ENERGY)
Subject: Greenfield South Matters

Brenda, thanks so very much for sitting down with myself and Amanda today regarding the municipal law and land-use questions I had. I particularly appreciated you raising the issues related to the use of the "MZO", and have a bit better appreciation of its potential use, as well as its inherent limitations regarding stopping construction at the plant.

I left the draft legislation on your chair, marked "Strictly Confidential" (mostly so that the secretaries treat it with care, should they come across it ☺). As you review, please note that the yellow-highlighted text includes text I am just now considering (Leg. Counsel hasn't seen it yet). The rest of the tracked-changed language represents the very initial instructions I sent over to Leg. Counsel on Thursday evening, in order to get the draft moving along.

I attach the Adams Mine Act as well for the purposes of rounding out our discussions this morning.

Thank you,

James

James P. H. Rehob
Senior Counsel
Ministry of Energy and
Ministry of Infrastructure
Legal Services Branch
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Tel: 416-325-6676
Fax: 416-325-1781
james.rehob@ontario.ca

Notice

This communication may be solicitor/client privileged and contain confidential information only intended for the person(s) to whom it is addressed. Any dissemination or use of this information by others than the intended recipient(s) is prohibited. If you have received this message in error please notify the writer and permanently delete the message and all attachments. Thank you.

Adams Mine Lake Act, 2004

S.O. 2004, CHAPTER 6

Consolidation Period: From December 15, 2009 to the [e-Laws currency date](#).

Last amendment: 2009, c. 33, Sched. 15, s. 1.

Definitions

1. In this Act,

“Adams Mine site” means the abandoned open pit mine, commonly known as the Adams Mine, located approximately 10 kilometres southeast of the Town of Kirkland Lake in the geographic township of Boston in the District of Timiskaming; (“mine Adams”)

“waste” has the same meaning as in Part V of the *Environmental Protection Act*. (“déchets”) 2004, c. 6, s. 1.

Prohibition on disposal of waste at Adams Mine site

2. No person shall dispose of waste at the Adams Mine site. 2004, c. 6, s. 2.

Revocation of approvals related to Adams Mine site

3. (1) The following are revoked:

1. The approval dated August 13, 1998 that was issued to Notre Development Corporation under the *Environmental Assessment Act*, including any amendments made after that date.
2. Certificate of Approval No. A 612007, dated April 23, 1999, issued to Notre Development Corporation under Part V of the *Environmental Protection Act*, including any amendments made after that date.
3. Approval No. 3250-4NMPDN, dated July 9, 2001, issued to Notre Development Corporation under section 53 of the *Ontario Water Resources Act*, including any amendments made after that date.
4. Any permit that was issued under section 34 of the *Ontario Water Resources Act* before this Act comes into force in response to the application submitted by 1532382 Ontario Inc. for New Permit #4121-5SCN9N (00-P-6040) and described on the environmental registry established under the *Environmental Bill of Rights, 1993* as EBR Registry Number XA03E0019. 2004, c. 6, s. 3 (1).

No permit for specified application

(2) No permit shall be issued under section 34 of the *Ontario Water Resources Act* after this Act comes into force in response to the application referred to in paragraph 4 of subsection (1). 2004, c. 6, s. 3 (2).

Schedule 1 lands

4. (1) An agreement entered into by Notre Development Corporation or 1532382 Ontario Inc. after December 31, 1988 and before this Act comes into force is of no force or effect if the agreement is with the Crown in right of Ontario and is in respect of,

- (a) the purchase or sale of the lands described in Schedule 1 or any part of those lands;
- (b) the granting of letters patent for the lands described in Schedule 1 or any part of those lands; or
- (c) any interest in, or any occupation or use of, the lands described in Schedule 1 or any part of those lands. 2004, c. 6, s. 4 (1).

Letters patent

(2) If any letters patent are issued to Notre Development Corporation or 1532382 Ontario Inc. before this Act comes into force or during the 60 days after this Act comes into force in respect of the lands described in Schedule 1, or any part of those lands,

- (a) the letters patent cease to have any force or effect on the coming into force of this Act or immediately after the letters patent are issued, whichever is later; and
- (b) the lands described in Schedule 1 are vested in the Crown in right of Ontario on the coming into force of this Act or immediately after the letters patent are issued, whichever is later. 2004, c. 6, s. 4 (2).

Extinguishment of causes of action

5. (1) Any cause of action that exists on the day this Act comes into force against the Crown in right of Ontario, a member or former member of the Executive Council, or an employee or agent or former employee or agent of the Crown in right of Ontario in respect of the Adams Mine site or the lands described in Schedule 1 is hereby extinguished. 2004, c. 6, s. 5 (1).

Same

(2) No cause of action arises after this Act comes into force against a person referred to in subsection (1) in respect of the Adams Mine site or the lands described in Schedule 1 if the cause of action would arise, in whole or in part, from anything that occurred after December 31, 1988 and before this Act comes into force. 2004, c. 6, s. 5 (2).

Aboriginal or treaty rights

(3) Subsections (1) and (2) do not apply to a cause of action that arises from any aboriginal or treaty right that is recognized and affirmed by section 35 of the *Constitution Act, 1982*. 2004, c. 6, s. 5 (3).

Enactment of this Act

(4) Subject to section 6, no cause of action arises against a person referred to in subsection (1), and no compensation is payable by a person referred to in subsection (1), as a direct or indirect result of the enactment of any provision of this Act. 2004, c. 6, s. 5 (4).

Application

(5) Without limiting the generality of subsections (1), (2) and (4), those subsections apply to a cause of action in respect of any agreement, or in respect of any representation or other conduct, that is related to the Adams Mine site or the lands described in Schedule 1. 2004, c. 6, s. 5 (5).

Same

(6) Without limiting the generality of subsections (1), (2) and (4), those subsections apply to a cause of action arising in contract, tort, restitution, trust, fiduciary obligations or otherwise. 2004, c. 6, s. 5 (6).

Legal proceedings

(7) No action or other proceeding shall be commenced or continued by any person against a person referred to in subsection (1) in respect of a cause of action that is extinguished by subsection (1) or a cause of action that, pursuant to subsection (2) or (4), does not arise. 2004, c. 6, s. 5 (7).

Same

(8) Without limiting the generality of subsection (7), that subsection applies to an action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages, or any other remedy or relief. 2004, c. 6, s. 5 (8).

Same

(9) Subsection (7) applies to actions and other proceedings commenced before or after this Act comes into force. 2004, c. 6, s. 5 (9).

No expropriation

(10) Nothing in this Act and nothing done or not done in accordance with this Act constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law. 2004, c. 6, s. 5 (10).

Compensation

6. (1) The Crown in right of Ontario shall pay compensation to 1532382 Ontario Inc. and Notre Development Corporation in accordance with this section. 2004, c. 6, s. 6 (1).

Amount

(2) Subject to subsection (3), the amount of the compensation payable to a corporation under subsection (1) shall be determined in accordance with the following formula:

$$A + B + C$$

where,

A = the reasonable expenses incurred and paid by the corporation after December 31, 1988 and before April 5, 2004 for the purpose of using the Adams Mine site to dispose of waste,

B = the lesser of,

- i. the reasonable expenses incurred by the corporation after December 31, 1988 and before April 5, 2004, but not paid before April 5, 2004, for the purpose of using the Adams Mine site to dispose of waste, and
- ii. \$1,500,000, in the case of Notre Development Corporation, or \$500,000, in the case of 1532382 Ontario Inc.,

C = the reasonable expenses incurred by the corporation on or after April 5, 2004 for the purpose of using the Adams Mine site to dispose of waste, if the expenses are for legal fees and disbursements in respect of legal services provided on or after April 5, 2004 and before this Act comes into force.

2004, c. 6, s. 6 (2).

Same

(3) The amount of the compensation payable to 1532382 Ontario Inc. under subsection (1) shall be the amount determined for that corporation under subsection (2), less the fair market value, on the day this Act comes into force, of the Adams Mine site. 2004, c. 6, s. 6 (3).

Accounting

(4) Subsection (1) does not apply to a corporation unless, not later than 120 days after this Act comes into force, it submits to the Crown in right of Ontario a full accounting of the expenses described in subsection (2), including any receipts for payment. 2004, c. 6, s. 6 (4).

Audit

(5) 1532382 Ontario Inc. and Notre Development Corporation shall provide the Crown in right of Ontario with reasonable access to their records, management staff, auditors and accountants for the purpose of reviewing and auditing any accounting submitted under subsection (4). 2004, c. 6, s. 6 (5).

Application to Superior Court of Justice

(6) 1532382 Ontario Inc., Notre Development Corporation or the Crown in right of Ontario may apply to the Superior Court of Justice to determine any issue of fact or law related to this section that is in dispute. 2004, c. 6, s. 6 (6).

Payment out of C.R.F.

(7) The Minister of Finance shall pay out of the Consolidated Revenue Fund any amount payable by the Crown in right of Ontario under this section. 2004, c. 6, s. 6 (7).

Loss of goodwill or possible profits

(8) For greater certainty, no compensation is payable under subsection (1) for any loss of goodwill or possible profits. 2004, c. 6, s. 6 (8).

Reasonable expenses

(9) For greater certainty, subject to subsection (10), a reference in this section to reasonable expenses incurred for the purpose of using the Adams Mine site to dispose of waste includes reasonable expenses incurred for that purpose for,

- (a) seeking to acquire and acquiring the Adams Mine site;
- (b) surveys, studies and testing;
- (c) engineering and design services;
- (d) legal fees and disbursements;
- (e) marketing and promotion;
- (f) property taxes;
- (g) seeking government approvals; and
- (h) seeking to acquire the lands described in Schedule 1. 2004, c. 6, s. 6 (9).

Same

(10) For greater certainty, a reference in this section to reasonable expenses,

- (a) does not include any expense that exceeds the fair market value of the goods or services for which the expense was incurred; and
- (b) does not include any expense for which 1532382 Ontario Inc. or Notre Development Corporation has been reimbursed by another person. 2004, c. 6, s. 6 (10); 2009, c. 33, Sched. 15, s. 1.

7. OMITTED (AMENDS OR REPEALS OTHER ACTS). 2004, c. 6, s. 7.

8. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT). 2004, c. 6, s. 8.

9. OMITTED (ENACTS SHORT TITLE OF THIS ACT). 2004, c. 6, s. 9.

SCHEDULE 1

The lands described as:

Location CL 411-A, Boston Township, District of Timiskaming, containing 387.48 hectares;
Location CLM 104, McElroy Township, District of Timiskaming, containing 238.72 hectares;
Parts 1, 2, 3, 4, 5, 6, Plan 54R-2947, Boston Township, District of Timiskaming, containing 14.58 hectares;
Parts 1, 2, 3, Plan 54R-1694, Boston Township, District of Timiskaming, containing 18.76 hectares;
Location CL 936, Plan TER-670, Boston Township, District of Timiskaming, containing 33.46 hectares;
Parts 1, 2, Plan 54R-1807, Boston Township, District of Timiskaming, containing 37.10 hectares;
Parts 1, 2, 3, Plan 54R-1693, Boston Township, District of Timiskaming, containing 12.12 hectares;
Parts 1, 2, Plan 54R-2322, Boston Township, District of Timiskaming, containing 18.69 hectares;
Part 1, Plan 54R-1540, Boston Township, District of Timiskaming, containing 14.48 hectares;
Location CL 1584, Part 1, Plan 54R-1511, Boston Township, District of Timiskaming, containing 16.06 hectares;
Location CL 1221, CL 1222, Parts 1, 2, Plan 54R-1291, McElroy Township, District of Timiskaming, containing 34.02 hectares;
Location CL 1220, Parts 1, 2, 3, 4, 5, 6, 7, Plan 54R-1292, McElroy Township, District of Timiskaming, containing 102.62 hectares;
Parts 1, 2, 3, Plan 54R-1619, McElroy Township, District of Timiskaming, containing 43.28 hectares.

2004, c. 6, Sched. 1.

Français

[Back to top](#)

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-15-11 12:04 PM
To: Jennings, Rick (ENERGY); Kulendran, Jesse (ENERGY)
Cc: Silva, Joseph (ENERGY); Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE: DRAFT OPA STATEMENT

Rick's suggestion also works.

Carolyn

From: Jennings, Rick (ENERGY)
Sent: November 15, 2011 11:42 AM
To: Kulendran, Jesse (ENERGY); Calwell, Carolyn (ENERGY)
Cc: Silva, Joseph (ENERGY); Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE: DRAFT OPA STATEMENT

I prefer this wording. Perhaps could change 2nd sentence in the 2nd paragraph to "Greenfield is fully financially liable for any further investments in the project." As we do not want to rule out a share of liabilities for what has already been spent.

From: Kulendran, Jesse (ENERGY)
Sent: November 15, 2011 11:19 AM
To: Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY)
Cc: Silva, Joseph (ENERGY); Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE: DRAFT OPA STATEMENT

MO made changes to the 2nd and 3rd paragraphs.

Rick/Carolyn – do you have any concerns with the revised version before we send it back to OPA?

DRAFT-Nov 15 11 AM

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From: Kulendran, Jesse (ENERGY)

Sent: November 15, 2011 11:00 AM

To: Botond, Erika (ENERGY); Dunn, Ryan (ENERGY); Kett, Jennifer (OPO)

Cc: Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY); Silva, Joseph (ENERGY); Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Kovesfalvi, Sylvia (ENERGY)

Subject: DRAFT OPA STATEMENT

Here's OPA's draft statement – we've set up a call at 2pm to discuss our feedback and next steps.

DRAFT-Nov 15 11 AM

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The OPA is taking this action after the owners made it clear they were not interested in negotiating an agreement to relocate the plant. With the contract terminated, Greenfield is financially liable for any further investments in the project.

OPA will work with the government to identify another site for the gas plant based on local generation needs and transmission and distribution support. Once options are identified, the public will be consulted.

Electricity supply in the southwest Greater Toronto Area is sufficient for the next five years.

-30-

Fisher, Petra (ENERGY)

From: Jennings, Rick (ENERGY)
Sent: November-15-11 12:11 PM
To: Kulendran, Jesse (ENERGY); 'Kristin Jenkins'
Cc: 'Patricia Phillips'; Lindsay, David (ENERGY); Calwell, Carolyn (ENERGY); Silva, Joseph (ENERGY); Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Kovesfalvi, Sylvia (ENERGY); 'Colin Andersen'
Subject: RE: Revised Statements - OPA & ENERGY
Attachments: 2011-11-16 Minister's Statemen.DOC

The Minister's statement as drafted could create more problems. I would recommend a shorter statement (attached) which sticks to listening to community opposition as the reason for stopping the plant. [The plant remains in an area zoned heavy industrial, the condominiums are no nearer the plant than the nearest subdivision.]

While technically the Vogts are "corporate" owners they are in reality two brothers who own a relatively small business.

Announcing a review of gas siting practices and stating that the gas plant is to be relocated as soon as possible may serve to keep the issue alive and even expand it from a local issue to a wider issue. I would recommend that the statement just focus on terminating the contract and fulfilling the September commitment.

From: Kulendran, Jesse (ENERGY)
Sent: November 15, 2011 11:29 AM
To: 'Kristin Jenkins'
Cc: Patricia Phillips; Lindsay, David (ENERGY); Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY); Silva, Joseph (ENERGY); Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Kovesfalvi, Sylvia (ENERGY); Colin Andersen
Subject: Revised Statements - OPA & ENERGY
Importance: High

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Thanks, Jesse

Jesse Kulendran · Senior Coordinator, Policy & Special Projects
Office of the Deputy Minister · Ministry of Energy
Tel.: 416-327-7025 · Blackberry: 416-206-1394

STATEMENT FROM ONTARIO MINISTER OF ENERGY CHRIS BENTLEY

November 16, 2011

We made a specific commitment to residents in Mississauga and Etobicoke to relocate the gas generating plant currently under construction.

~~When the plant was first proposed, there were empty fields surrounding it. Now, there are hundreds of families living in condominiums nearby.~~ We have listened to the community's concerns.

Unfortunately, after several weeks of discussion with the ~~corporate~~ owners of the plant, they have not agreed to stop construction and relocate.

In light of this, the Ontario Power Authority has formally informed the corporation that it will not proceed with its contract. ~~And we are reviewing practices for where gas-fired generating plants can be located in Ontario.~~

This is a unique situation, the Government remains committed to ensuring that Ontario families and businesses will have access to still need new, reliable supplies of clean power to power our homes and businesses. ~~That's why we intend to relocate the gas generation plant and have it supplying power as quickly as possible.~~

For media inquiries call:
Erika Botond, Minister's Office, 416-327-4418
erika.botond@ontario.ca
Paul Gerard, Communications Branch, 416-327-7226
Paul.gerard@ontario.ca

ontario.ca/energy-news
Disponible en français

For public inquiries call:
1-888-668-4636 TTY: 1-800-239-4224

Fisher, Petra (ENERGY)

From: Letourneau, Amanda (ENERGY)
Sent: November-15-11 12:16 PM
To: Rehob, James (ENERGY)
Subject: RE: Research, Greenfield South Power Corporation
Attachments: eastern power ltd.dot; image001.gif

gif attachment is image below

Hi James,

Attached is the corporate information I found on Eastern Power Ltd., essentially, Eastern Power and Greenfield South are affiliated companies as stated in the "about us" section on their website. I didn't find anything specific to Eastern Power on the Mississauga Website regarding approvals issued to Eastern Power.

Also, with some help from Brenda I believe I found the current zoning of the land, I just have to look into an OMB decision to confirm. I'll let you know when I know for sure.

Thanks,

Amanda

From: Rehob, James (ENERGY)
Sent: November 14, 2011 5:28 PM
To: Letourneau, Amanda (ENERGY)
Subject: RE: Research, Greenfield South Power Corporation

Thanks very much, Amanda – now please do the same corporate search for Eastern Power Limited – note any connections (e.g. connected corporations, partnerships or entities, etc. if possible).

Thanks!
James

From: Letourneau, Amanda (ENERGY)
Sent: November 14, 2011 5:19 PM
To: Rehob, James (ENERGY)
Subject: RE: Research, Greenfield South Power Corporation

Hi James,

Here is the corporate information I found:

GREENFIELD SOUTH POWER CORPORATION

us Name(s): **GREENFIELD 407 POWER CORPORATION**
 ate Number: **002060572**
 f Inc./Amalg.: **2004-12-13**
 Indicator Status: **ACTIVE**
 shment Type: **ONTARIO BUSINESS CORP.**
SHARE
 ction: **ONTARIO**

ing Permit issued to Greenfield South Power Corp.:

t No.: 05 7583
 on: 2135 Loreland Avenue
 \$140,000
 ng Size: 2,423 Sq metres
 e: 43,869 Sq Metres
 ption: **New- Power generating plant – Greenfield South Power Corp.**

Information from the Mississauga website on past building permits and development applications for the power plant site location:

ing Permits

er	<div>▣ Address</div> <div>▣ Description</div>	<div>▣ Scope</div> <div>▣ Type Description</div>	<div>▣ Issue Date</div> <div>▣ Status</div>
EW 0 00-	2315 LORELAND AVE Unit - PHASE 4 ALTER - FOUNDATION/SUPPORT FOR HEAT RECOVERY STEAM GENERATOR, GREENFIELD SOUTH POWER CORP	OTHER SINGLE TENANT INDUSTRIAL	WITHHELD
EW 8 07-	2315 LORELAND AVE Unit - PHS-3 NEW - COOLING TOWER & PUMP HOUSE	NEW BUILDING SINGLE TENANT INDUSTRIAL	WITHHELD
EW 9 07-	2315 LORELAND AVE Unit - PHASE-2 NEW - (1) COMPRESSOR BLD, (2) TRANSFORMER ENCLOSURE & 1-CONC-PAD, GREENFIELD SOUTH POWER PLANT	NEW BUILDING SINGLE TENANT INDUSTRIAL	WITHHELD
15 R1 11-	2315 LORELAND AVE REVISED SITE SERVICING	REVISIONS SINGLE TENANT INDUSTRIAL	2009-12-04 ISSUED PERMIT
15 SS 03-	2315 LORELAND AVE SITE SERVICING	OTHER INDUSTRIAL - OTHER	2009-05-28 ISSUED PERMIT
EW s 09-	2315 LORELAND AVE NEW - POWER GENERATING PLANT, GREENFIELD SOUTH POWER CORP	NEW BUILDING SINGLE TENANT INDUSTRIAL	2011-05-30 ISSUED PERMIT

Development Applications

■ App Number ■ Type	■ Location	■ Description	■ App Date	■ Status
H-OZ 5 4 REMOVAL OF 'H' HOLDING SYMBOL	EAST OF DIXIE ROAD, SOUTH OF DUNDAS STREET EAST	REMOVAL OF HOLDING ZONE	2005- 08-04	APPROVED
SP 5 251 STANDARD SITE PLAN	S OF DUNDAS ST. E., E OF DIXIE RD	NEW POWER PLANT	2005- 08-04	APPROVED

From: Rehub, James (ENERGY)
Sent: November 14, 2011 3:46 PM
To: Letourneau, Amanda (ENERGY)
Subject: Research, Greenfield South Power Corporation

Hi, Amanda – could you please do a corporate search on the Greenfield South Power Corporation, in order to identify the actual Co. Name and Number (all Ontario Companies receive a number and I may need to reference it in the legislation or regulations).

-Next, could you go back on to the Mississauga website and see (in order to list for me) any and all approvals provided by the City of Mississauga to Greenfield South Power Corporation or the Numbered Ontario co (once you find that number) Thanks!

James P. H. Rehub
Senior Counsel
Ministry of Energy and
Ministry of Infrastructure
Legal Services Branch
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Tel: 416-325-6676
Fax: 416-325-1781
james.rehub@ontario.ca

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October 2011

Eastern Power Ltd

2275 Lake Shore Blvd W
Etobicoke, ON M8V 3Y3
Canada

***** **COMMUNICATIONS** *****

TELEPHONE: +1.416.234.1301

URL: greenfieldsouth.ca

***** **COMPANY INFORMATION** *****

REVENUE: USD 17,500,000

EMPLOYEES: 75

LOAD-DATE: October 2, 2011

EASTERN POWER LIMITED

Corporate Number **001201984**

Date of Inc./Amalg. **1996-10-01**

Amalg. Indicator **A**

Status **ACTIVE**

Establishment Type **ONTARIO BUSINESS CORP.**

Share **SHARE**

Jurisdiction **ONTARIO**

Letter/ Amalg./ Inactive Date

Amalg. Ont. Corp. #

Total Amalg. Companies **2** (excludes current corporation)

EASTERN POWER DEVELOPERS INC.

Corporate Number **000772465**

Date of Inc./Amalg. **1988-04-27**

Amalg. Indicator

Status

AMALGAMATED

Establishment Type

ONTARIO BUSINESS CORP.

Share

SHARE

Jurisdiction

ONTARIO

Letter/ Amalg./ Inactive Date

1996/10/01

Amalg. Ont. Corp. #

001201984

Total Amalg. Companies

2 (excludes current corporation)

EASTERN POWER DEVELOPERS CORP.

<i>Corporate Number</i>	000937426
<i>Date of Inc./Amalg.</i>	1991-04-08
<i>Amalg. Indicator</i>	
<i>Status</i>	AMALGAMATED
<i>Establishment Type</i>	ONTARIO BUSINESS CORP.
<i>Share</i>	SHARE
<i>Jurisdiction</i>	ONTARIO
<i>Letter/ Amalg./ Inactive Date</i>	1996/10/01
<i>Amalg. Ont. Corp. #</i>	001201984
<i>Total Amalg. Companies</i>	2 (excludes current corporation)

About Us <http://greenfieldsouth.ca/>

Greenfield South is affiliated with Eastern Power Limited. An Ontario company, based in Toronto, Eastern Power builds, owns and operates clean and green power generation plants.

Since inception in 1985 the company has grown to become one of the largest green energy providers in Ontario. Eastern Power is active in the biogas, biomass, wind and high efficiency natural gas areas of power production.

Eastern Power owns and operates two of the world's largest landfill gas fuelled power plants, both located in the Greater Toronto Area (GTA): the Keele Valley Power Plant in Vaughan, Ontario; and the Brock West Power Plant in Pickering, Ontario. These plants have won awards from their local municipalities. Together, these two plants offset over 1,000,000 tonnes of carbon emissions per year, which is equivalent to the annual emissions of roughly 200,000 cars, and Eastern Power has registered the 25 million tonnes of carbon emissions reductions that these plants have achieved to date.

Many of Eastern Power's professional employees live in and around south Mississauga and our company's office is located near the Greenfield South Power Plant site, in south Etobicoke. We are proud that our local Greenfield South Power Plant is part of Ontario's off coal program.

Fisher, Petra (ENERGY)

From: Rehob, James (ENERGY)
Sent: November-15-11 1:16 PM
To: Linington, Brenda (ENERGY)
Cc: Letourneau, Amanda (ENERGY)
Subject: RE: Greenfield South Matters
Attachments: Questions for Brenda on Legislation (Nov 15-11).doc

Categories: Green Category, Red Category

Privileged & Confidential

Hi, again – just one more document – here are the questions I had drafted for our meeting – have a peak and see if any still remain relevant – Any thoughts on language for “site remediation” are welcome. Thanks! James

From: Rehob, James (ENERGY)
Sent: November 15, 2011 11:59 AM
To: Linington, Brenda (ENERGY)
Cc: Letourneau, Amanda (ENERGY)
Subject: Greenfield South Matters

Brenda, thanks so very much for sitting down with myself and Amanda today regarding the municipal law and land-use questions I had. I particularly appreciated you raising the issues related to the use of the “MZO”, and have a bit better appreciation of its potential use, as well as its inherent limitations regarding stopping construction at the plant.

I left the draft legislation on your chair, marked “Strictly Confidential” (mostly so that the secretaries treat it with care, should they come across it ☺). As you review, please note that the yellow-highlighted text includes text I am just now considering (Leg. Counsel hasn't seen it yet). The rest of the tracked-changed language represents the very initial instructions I sent over to Leg. Counsel on Thursday evening, in order to get the draft moving along.

I attach the Adams Mine Act as well for the purposes of rounding out our discussions this morning.

Thank you,

James

James P. H. Rehob
Senior Counsel
Ministry of Energy and
Ministry of Infrastructure
Legal Services Branch
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Tel: 416-325-6676
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November 15, 2011

Questions for Brenda on Legislation

- 1. Is there any way to determine whether the land was serviced before the project began?**
- 2. What would one commonly expect to see by way of site description for this kind of project (gas plant)?**
- 3. Do you know of any language which might be useful regarding “site remediation”?**

The legislation speaks of “improvements to the property” and those are (as we understand it) to be removed once the construction stops;

Cayley, Daniel (ENERGY)

From: King, Ryan (ENERGY)
Sent: November-15-11 1:46 PM
To: Jennings, Rick (ENERGY)
Subject: lincensing

Eastern Power Limited	EG-2003-0093	Dec 5, 2003	Dec 4, 2023	Hubert Vogt 2275 Lake Shore Blvd. West, Suite 401 Toronto, ON M8V 3Y3	(416) 234-1301
-----------------------	------------------------------	-------------	-------------	--	----------------

Eastern Power is licensed by the OEB and the license is good until 2023

Ryan King | Sr. Advisor and Executive Assistant
Energy Supply, Transmission and Distribution Policy Division
Ministry of Energy | Tel: +1 416-314-6204

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-15-11 1:54 PM
To: Rehob, James (ENERGY)
Subject: FW: Contract with Exhibits
Attachments: ARCES Greenfield South with Exhibits 20090316.pdf; greenest2011_english-(custom) verysmall.gif

Duplicate attachment removed (previously released)/gif attachment is image below

James, further to your exchange with Ryan about the description of the "project" in the leg, attached is the contract. Exhibit "A" should provide you what you need to address this question.

Carolyn

From: Michael Lyle [mailto:Michael.Lyle@powerauthority.on.ca]
Sent: November 15, 2011 11:31 AM
To: Calwell, Carolyn (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: Contract with Exhibits

As per my phone message.

Michael Lyle
General Counsel and Vice President
Legal, Aboriginal & Regulatory Affairs
Ontario Power Authority
120 Adelaide Street West, Suite 1600
Toronto, Ontario, M5H 1T1
Direct: 416-969-6035
Fax: 416.969.6383
Email: michael.lyle@powerauthority.on.ca

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Fisher, Petra (ENERGY)

From: Kulendran, Jesse (ENERGY)
Sent: November-15-11 2:26 PM
To: Botond, Erika (ENERGY); Dunn, Ryan (ENERGY); Kett, Jennifer (OPO)
Cc: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY); Gemmiti, Paola (ENERGY); Lindsay, David (ENERGY); Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY); Silva, Joseph (ENERGY)
Subject: Revised OPA Statement

Based on legal advice, OPA changed "terminated" has been changed to "is not proceeding."

OPA DRAFT- 15 NOV 2011 -2:00 pm

OPA NOT PROCEEDING WITH CONTRACT FOR MISSISSAUGA POWER PLANT

TORONTO, November 16, 2011- The Ontario Power Authority announced today, that despite best efforts to work with Greenfield South Power Corporation, is not proceeding with the contract for Greenfield's Mississauga power plant..

After several weeks of discussions it has become clear that Greenfield South has no intent to consider relocation and continues construction. In light of this, the company has been notified that OPA is not proceeding with the contract. Greenfield is financially liable for any further investments in the project.

The OPA will continue to work with the government to identify another site for the gas plant based on local generation needs and transmission and distribution support to ensure a long-term reliable supply of electricity.

-30-

Cayley, Daniel (ENERGY)

From: Bacci, Gloria (ENERGY)
Sent: November-15-11 2:48 PM
To: Collins, Jason R. (ENERGY); King, Ryan (ENERGY)
Subject: RE: For Review: OPA Q3 Supply Report due Nov. 14 @ noon

Importance: High

Hi Jason and Ryan,

FYI: OPA asked that I flag the following: Colin Andersen requested that a footnote be added to the last page of the report regarding Green field South, which reads:

"[1] The Government of Ontario has announced its intention to relocate the Greenfield South Generating Station.

This statement has been signed off by OPA legal.

MO and DMO are currently reviewing the Supply Report

From: Bacci, Gloria (ENERGY)
Sent: November 14, 2011 5:24 PM
To: Collins, Jason R. (ENERGY)
Subject: Re: For Review: OPA Q3 Supply Report due Nov. 14 @ noon

[Hey jason - any comments?](#)

From: Bacci, Gloria (ENERGY)
To: Collins, Jason R. (ENERGY)
Sent: Mon Nov 14 13:29:02 2011
Subject: FW: For Review: OPA Q3 Supply Report due Nov. 14 @ noon

FYI. ESTDP's comments below.

From: King, Ryan (ENERGY)
Sent: November 14, 2011 12:07 PM
To: Bacci, Gloria (ENERGY)
Subject: Fw: For Review: OPA Q3 Supply Report due Nov. 14 @ noon

[Some comments below](#)

From: Chapman, Tom (ENERGY)
To: King, Ryan (ENERGY)
Cc: McKeever, Garry (ENERGY); Christie, Tim (ENERGY)
Sent: Mon Nov 14 12:05:30 2011
Subject: FW: For Review: OPA Q3 Supply Report due Nov. 14 @ noon

[Some comments](#)

From: Christie, Tim (ENERGY)
Sent: November 14, 2011 11:50 AM
To: Chapman, Tom (ENERGY); Kuber, Kathryn (ENERGY)
Subject: RE: For Review: OPA Q3 Supply Report due Nov. 14 @ noon

On the "status of directive" page they don't list the Atikokan or Thunder Bay directives. It's not essential that they be there, but it seems a little strange that they've been omitted. Also, Greenfield South is listed as a contracted facility under development.

Tim

From: Chapman, Tom (ENERGY)
Sent: November 10, 2011 2:51 PM
To: Kuber, Kathryn (ENERGY); Christie, Tim (ENERGY)
Cc: England, Michael (ENERGY)
Subject: FW: For Review: OPA Q3 Supply Report due Nov. 14 @ noon
Importance: High

Can you take a look pls.
thanks

Tom Chapman | (office) 416 325 6898 | (cell) 416 458 6515

From: King, Ryan (ENERGY)
Sent: November 10, 2011 2:34 PM
To: Chapman, Tom (ENERGY); Jobe, Cedric (ENERGY); MacCallum, Doug (ENERGY)
Subject: FW: For Review: OPA Q3 Supply Report due Nov. 14 @ noon
Importance: High

Can you please review for noon Monday?
Thanks

From: Bacci, Gloria (ENERGY)
Sent: November 10, 2011 12:19 PM
To: King, Ryan (ENERGY); Collins, Jason R. (ENERGY)
Cc: Nutter, George (ENERGY); Biggs, Megan (ENERGY)
Subject: For Review: OPA Q3 Supply Report due Nov. 16 @ noon
Importance: High

Hi Ryan and Jason,

Attached for your review is the OPA's Q3 Supply report. We did not have any major concerns, just a few minor comments.

Can you please review by Wednesday, November 16 at Noon?

Thanks,

Gloria

Cayley, Daniel (ENERGY)

From: Rehob, James (ENERGY)
Sent: November-15-11 3:33 PM
To: Calwell, Carolyn (ENERGY); King, Ryan (ENERGY)
Subject: FW: Greenfield South
Attachments: licence_eg_greenfield_20090603.pdf

Ryan, thanks so much for forwarding the Greenfield South Power Corporation license. From my review of the document, Restrictions (Article 6): Neither the licensee or its affiliates may own (acquire an interest in or purchase shares in) or construct a transmission or distribution system, etc.

Term: (Article 8), the license is valid from June 3, 2009 to June 3, 2029 (another 18 years!) but the authorization is only in respect of "the site" (see Schedule 1 at the very end of the license) located at 2315 Loreland Avenue, Mississauga. Hence, any change would require either a new license or, more likely in my view, an amendment to the existing license in order to amend it by adding a new or revised Schedule 1. I have a call into the licensing group at the OEB to verify this, and I'll let you know once I hear back from them.

From: King, Ryan (ENERGY)
Sent: November 15, 2011 2:46 PM
To: Rehob, James (ENERGY)
Subject: FW: Greenfield South

From: King, Ryan (ENERGY)
Sent: November 15, 2011 2:42 PM
To: Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY)
Subject: Greenfield South

Was able to track down Greenfield South Power Corporation's Generator License which is valid until June 2, 2029

Ryan King | Sr. Advisor and Executive Assistant
Energy Supply, Transmission and Distribution Policy Division
Ministry of Energy | Tel: +1 416-314-6204



Electricity Generation Licence

EG-2009-0023

Greenfield South Power Corporation

Valid Until

June 2, 2029

Original signed by

Jennifer Lea
Counsel, Special Projects
Ontario Energy Board
Date of Issuance: June 3, 2009

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street
27th. Floor
Toronto, ON M4P 1E4

Commission de l'énergie de l'Ontario
C.P. 2319
2300, rue Yonge
27e étage
Toronto ON M4P 1E4

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	SCHEDULE 1 LIST OF LICENSED GENERATION FACILITIES	4

1 Definitions

In this Licence:

"**Act**" means the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B;

"**Electricity Act**" means the *Electricity Act, 1998*, S.O. 1998, c. 15, Schedule A;

"**generation facility**" means a facility for generating electricity or providing ancillary services, other than ancillary services provided by a transmitter or distributor through the operation of a transmission or distribution system and includes any structures, equipment or other things used for that purpose;

"**Licensee**" means Greenfield South Power Corporation;

"**regulation**" means a regulation made under the Act or the Electricity Act;

2 Interpretation

- 2.1 In this Licence words and phrases shall have the meaning ascribed to them in the Act or the Electricity Act. Words or phrases importing the singular shall include the plural and vice versa. Headings are for convenience only and shall not affect the interpretation of this Licence. Any reference to a document or a provision of a document includes an amendment or supplement to, or a replacement of, that document or that provision of that document. In the computation of time under this Licence where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens. Where the time for doing an act expires on a holiday, the act may be done on the next day that is not a holiday.

3 Authorization

- 3.1 The Licensee is authorized, under Part V of the Act and subject to the terms and conditions set out in this licence:
- a) to generate electricity or provide ancillary services for sale through the IESO-administered markets or directly to another person subject to the conditions set out in this Licence. This Licence authorizes the Licensee only in respect of those facilities set out in Schedule 1;
 - b) to purchase electricity or ancillary services in the IESO-administered markets or directly from a generator subject to the conditions set out in this Licence; and
 - c) to sell electricity or ancillary services through the IESO-administered markets or directly to another person, other than a consumer, subject to the conditions set out in this Licence.

4 Obligation to Comply with Legislation, Regulations and Market Rules

- 4.1 The Licensee shall comply with all applicable provisions of the Act and the Electricity Act, and regulations under these acts, except where the Licensee has been exempted from such compliance by regulation.
- 4.2 The Licensee shall comply with all applicable Market Rules.

5 Obligation to Maintain System Integrity

- 5.1 Where the IESO has identified, pursuant to the conditions of its licence and the Market Rules, that it is necessary for purposes of maintaining the reliability and security of the IESO-controlled grid, for the Licensee to provide energy or ancillary services, the IESO may require the Licensee to enter into an agreement for the supply of energy or such services.
- 5.2 Where an agreement is entered into in accordance with paragraph 5.1, it shall comply with the applicable provisions of the Market Rules or such other conditions as the Board may consider reasonable. The agreement shall be subject to approval by the Board prior to its implementation. Unresolved disputes relating to the terms of the Agreement, the interpretation of the Agreement, or amendment of the Agreement, may be determined by the Board.

6 Restrictions on Certain Business Activities

- 6.1 Neither the Licensee, nor an affiliate of the Licensee shall acquire an interest in a transmission or distribution system in Ontario, construct a transmission or distribution system in Ontario or purchase shares of a corporation that owns a transmission or distribution system in Ontario except in accordance with section 81 of the Act.

7 Provision of Information to the Board

- 7.1 The Licensee shall maintain records of and provide, in the manner and form determined by the Board, such information as the Board may require from time to time.
- 7.2 Without limiting the generality of paragraph 7.1 the Licensee shall notify the Board of any material change in circumstances that adversely affects or is likely to adversely affect the business, operations or assets of the Licensee, as soon as practicable, but in any event no more than twenty (20) days past the date upon which such change occurs.

8 Term of Licence

- 8.1 This Licence shall take effect on June 3, 2009 and expire on June 2, 2029. The term of this Licence may be extended by the Board.

9 Fees and Assessments

- 9.1 The Licensee shall pay all fees charged and amounts assessed by the Board.

10 Communication

- 10.1 The Licensee shall designate a person that will act as a primary contact with the Board on matters related to this Licence. The Licensee shall notify the Board promptly should the contact details change.
- 10.2 All official communication relating to this Licence shall be in writing.
- 10.3 All written communication is to be regarded as having been given by the sender and received by the addressee:
- a) when delivered in person to the addressee by hand, by registered mail or by courier;
 - b) ten (10) business days after the date of posting if the communication is sent by regular mail; or
 - c) when received by facsimile transmission by the addressee, according to the sender's transmission report.

11 Copies of the Licence

- 11.1 The Licensee shall:
- a) make a copy of this Licence available for inspection by members of the public at its head office and regional offices during normal business hours; and
 - b) provide a copy of this Licence to any person who requests it. The Licensee may impose a fair and reasonable charge for the cost of providing copies.

SCHEDULE 1 LIST OF LICENSED GENERATION FACILITIES

The Licence authorizes the Licensee only in respect to the following:

1. Greenfield South Power Project, owned and operated by the Licensee at 2315 Loreland Avenue, Mississauga, Ontario.

Fisher, Petra (ENERGY)

From: Kacaba, Jennifer (ENERGY)
Sent: November-15-11 3:51 PM
To: Calwell, Carolyn (ENERGY); Linington, Brenda (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Rehob, James (ENERGY)
Subject: RE: bullets for DM - Mississauga plant
Attachments: Privileged and Confidential - Missi Power.doc

Carolyn,

Attached are the bullets on the MZO. Brenda has reviewed and provided comments on these bullets. Please let me know if you have any questions.

Jennifer

From: Calwell, Carolyn (ENERGY)
Sent: November 15, 2011 3:46 PM
To: Linington, Brenda (ENERGY); Kacaba, Jennifer (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: RE: bullets for DM - Mississauga plant

Thanks for doing this so quickly, Brenda. I understand that the DM wants pros and cons. I tried to re-work what you sent to frame it in that way. Please revise as necessary:

Expropriation

- Government has 2 separate expropriating powers:
 - The Minister of Infrastructure has authority to expropriate land necessary for the use or purposes of the government.
 - The LGIC may direct the Minister of Infrastructure to expropriate land that the LGIC considers necessary for the benefit of the public.
- Pros
 - Would trigger a known process under the Expropriations Act, including the establishment of value to be paid for land
- Cons
 - Requires compliance with the Expropriations Act (less flexibility).
 - Exercise of expropriation authority could be challenged by current owner as not being necessary for purposes of government or necessary for the benefit of the public.

From: Linington, Brenda (ENERGY)
Sent: November 15, 2011 3:35 PM
To: Kacaba, Jennifer (ENERGY); Calwell, Carolyn (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: bullets for DM - Mississauga plant

- The Minister of Infrastructure has authority to expropriate land necessary for the use or purposes of the government. The LGIC may direct the Minister of Infrastructure to expropriate land that the LGIC considers necessary for the benefit of the public.

- Would require compliance with Expropriations Act including the establishment of the value to be paid for the land.
- Exercise of expropriation authority could be challenged by current owner as not being necessary for purposes of government or necessary for the benefit of the public.

Brenda Linington, Senior Counsel, Ministries of Energy and Infrastructure 416 325 1785, fax 416 325 1781, brenda.linington@ontario.ca

THIS COMMUNICATION MAY BE SOLICITOR/CLIENT PRIVILEGED AND CONTAIN CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE PERSON(S) TO WHOM IT IS ADDRESSED. ANY DISSEMINATION OR USE OF THIS INFORMATION BY ANYONE OTHER THAN THE INTENDED RECIPIENT(S) IS PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR PLEASE NOTIFY brenda.linington@ontario.ca AND DELETE THE MESSAGE. THANK YOU

Privileged and Confidential

Ministerial Zoning Order

Brief Description

- Ministerial Zoning Orders (MZO's) are issued by the Minister of Municipal Affairs and Housing under the Planning Act.
- An MZO would impose Minister's zoning on the land and change the permitted uses of the land (e.g an MZO could say that there could never be generation on this site moving forward)

Pro's of MZO

- Sends a message to the community to wipe off use of site. In this way an MZO could be used as a political message.
- Doesn't freeze the land for other uses (ie. Owner could still use land in other ways that are compliant with MZO)
- Any future building permits would have to comply with the MZO
- Financers may react negatively to the removal of the generation use

Con's of MZO's

- operates on a prospective basis;
- would not affect rights under existing building permits and construction under these permits can continue

Fisher, Petra (ENERGY)

From: Linington, Brenda (ENERGY)
Sent: November-15-11 4:01 PM
To: Calwell, Carolyn (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: FW: bullets for DM - Mississauga plant

Hi – would just delete less flexibility as implies a comparison when there is no other available process other than willing seller which we don't have – have added some other pros and cons

Expropriation

- Government has 2 separate expropriating powers:
 - The Minister of Infrastructure has authority to expropriate land necessary for the use or purposes of the government.
 - The LGIC may direct the Minister of Infrastructure to expropriate land that the LGIC considers necessary for the benefit of the public.
- Pros
 - Would trigger a known process under the Expropriations Act, including the establishment of value to be paid for land
 - Could be used in combination with other options to secure control of land.
 - Triggering of expropriation process should result in termination of construction as funding may be impacted and current owner may not want to invest further if ownership not secure
- Cons
 - May take some time to complete process under Expropriations Act.
 - Exercise of expropriation authority could be challenged by current owner or possibly others with interests as not being necessary for purposes of government or necessary for the benefit of the public.

Brenda Linington, Senior Counsel, Ministries of Energy and Infrastructure 416 325 1785, fax 416 325 1781, brenda.linington@ontario.ca

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From: Calwell, Carolyn (ENERGY)
Sent: November 15, 2011 3:46 PM
To: Linington, Brenda (ENERGY); Kacaba, Jennifer (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: RE: bullets for DM - Mississauga plant

Thanks for doing this so quickly, Brenda. I understand that the DM wants pros and cons. I tried to re-work what you sent to frame it in that way. Please revise as necessary:

Expropriation

- Government has 2 separate expropriating powers:
 - The Minister of Infrastructure has authority to expropriate land necessary for the use or purposes of the government.
 - The LGIC may direct the Minister of Infrastructure to expropriate land that the LGIC considers necessary for the benefit of the public.

- Pros
 - Would trigger a known process under the Expropriations Act, including the establishment of value to be paid for land
- Cons
 - Requires compliance with the Expropriations Act (less flexibility).
 - Exercise of expropriation authority could be challenged by current owner as not being necessary for purposes of government or necessary for the benefit of the public.

From: Linington, Brenda (ENERGY)

Sent: November 15, 2011 3:35 PM

To: Kacaba, Jennifer (ENERGY); Calwell, Carolyn (ENERGY)

Cc: Perun, Halyna N. (ENERGY)

Subject: bullets for DM - Mississauga plant

- The Minister of Infrastructure has authority to expropriate land necessary for the use or purposes of the government. The LGIC may direct the Minister of Infrastructure to expropriate land that the LGIC considers necessary for the benefit of the public.
- Would require compliance with Expropriations Act including the establishment of the value to be paid for the land.
- Exercise of expropriation authority could be challenged by current owner as not being necessary for purposes of government or necessary for the benefit of the public.

Brenda Linington, Senior Counsel, Ministries of Energy and Infrastructure 416 325 1785, fax 416 325 1781, brenda.linington@ontario.ca

THIS COMMUNICATION MAY BE SOLICITOR/CLIENT PRIVILEGED AND CONTAIN CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE PERSON(S) TO WHOM IT IS ADDRESSED. ANY DISSEMINATION OR USE OF THIS INFORMATION BY ANYONE OTHER THAN THE INTENDED RECIPIENT(S) IS PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR PLEASE NOTIFY brenda.linington@ontario.ca AND DELETE THE MESSAGE. THANK YOU

Fisher, Petra (ENERGY)

From: Duguid_Brad-MPP <bduguid.mpp@liberal.ola.org>
Sent: November-15-11 5:12 PM
To: Write2us (ENERGY)
Subject: FW: Power Plant Lies

From: Leon Budahazy [mailto:leon.budahazy@rogers.com]
Sent: Monday, November 14, 2011 8:05 PM
To: Sousa_Charles-MPP-CO; Mangat_Amrit-MPP-CO; mississauga.east.cooksville@liberal.ola.org; Jacek_Helena-MPP; Duguid_Brad-MPP; Cansfield_Donna-MPP-CO; chris.fonseca@mississauga.ca; Broten_Laurel-MPP-CO; jim.tovey@mississauga.ca; mayor@mississauga.ca; councillor_grimes@toronto.ca; councillor_milczyn@toronto.ca; councillor_lindsay_luby@toronto.ca; councillor_doucette@toronto.ca; councillor_holyday@toronto.ca; councillor_nunziata@toronto.ca; mayor_ford@toronto.ca; Best_Margarett-MPP
Subject: Power Plant Lies

I am writing to all of you to ask for honesty, truth, dignity and integrity with regard to the construction of the power plant in East Mississauga.

I am sure that everyone addressed in my email is well aware of the issue surrounding the construction of this power plant. Suffice it to say that this plant is unnecessary, and owners of at least 14,000 homes in the surrounding area have been opposed to the plant for years - does it not matter that this plant is bordering homes, a hospital and the Etobicoke Creek? Yet every day, I drive by and the construction continues - at an alarming rate!

There have been clear studies done that prove the air quality will suffer greatly in an area already compromised for air quality - so what is the thinking behind this, 'The air is already bad, so let's pump it full of more pollution? Let's see how many children get asthma and how much more smog we can cause?' Really??

There are laws in place to stop harmful development and it's impossible for me to believe that the power of the people, supported by our chosen representatives cannot stop the development of this power plant.

This plant is being built 3 kilometres from my family home. Should this plant be built and put into operation, not only will it effect our property value, if we remain in this home, it will also damage our health. I have 2 young children who feel a sense of community and belonging here. They love our home and their school, they enjoy running outside and swimming in the community pool. They look forward to the day they will be old enough to go biking on their own. We have worked all our lives to buy a home to raise our family in, and now, due to greed, dishonesty and cowardice, we may need to move from our beloved home.

How is it possible that in the greatest city of one of the most beautiful countries in the world we are bound to be refugees? How is that possible?

I maintain my hope that Mr. McGuinty will honour his word and stop the power plant from moving forward as he promised during his election campaign. I also maintain my disappointment that Mayor

McCallion opened the possibility to this happening by allowing the Greenfield South Power Corporation to purchase land in the heart of her city. As for Mr. Sousa, I have heard that you are opposed to the plant and that you are trying to halt the construction, however I wonder if you could do a

Thank you for your time. I leave you with the hopes that you will use the power bestowed onto you to do the right thing.

Sincerely,

Julia Budahazy

Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November-15-11 5:25 PM
To: Jennings, Rick (ENERGY); King, Ryan (ENERGY); Calwell, Carolyn (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Silva, Joseph (ENERGY); Kulendran, Jesse (ENERGY); Nutter, George (ENERGY)
Subject: Updated QA
Attachments: QA-repudiationNov15(gas-plant siting).5pm.doc

Hi –

Attached are updated QA/messaging based on incorporating a gas-plant siting review in Minister's statement.

Once I've incorporated your comments, will share with MO and then OPA.

Thank you.

Sylvia
7-4334

Greenfield Contract Termination (Repudiation)

November 154, 2011 (44:17 pm)

MEDIA PROTOCOL

Generally the Minister's Office responds to strategic questions and OPA responds to operational questions.

Strategic - Minister's Office (Minister or Erika Botond)

- Government's decision to relocate the plant
- Government's commitment to relocate the plant.

Operational - OPA (Colin Andersen or Kristen Jenkins)

- Status of contract negotiations, and process for finding another site
- History of Greenfield site selection (required approvals, public consultation, etc).

Process

- The OPA immediately notifies the Ministry of Energy of any Greenfield-related media call (Communications Director, Media Manager and Spokesperson).
- The Ministry immediately notifies Minister's Office, Deputy Minister's Office, Legal and Cabinet Office.
- The OPA submits proposed responses; the ministry secures approvals (Cabinet Office, DMO, Legal, Policy).
- The Minister's Office confirms who responds and how (phone/email).

WHO SAYS WHAT – General Guidelines

	MINISTER	OPA
Key Messages	<p>SCENARIO A - If OPA sends letter to Greenfield South advising unsuccessful <u>negotiations lead to termination (2-step approach)</u></p> <p>The OPA is in negotiations with Greenfield South.</p> <p>I understand the OPA has notified Greenfield South that it will not be proceeding with the contract.</p> <p>It is our expectation that Greenfield South will stop construction at the site.</p> <p><u>SCENARIO B - If Contract is Terminated</u></p> <p>I understand the OPA has had discussions with the developer – Greenfield South. The OPA has notified Greenfield that the OPA is not proceeding with the contract.</p> <p>The OPA will look for another site for the gas plant.</p> <p>The government will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.</p>	<p><i>We are in discussions with Greenfield South.</i></p> <p><i>We have notified them that we will not be proceeding with the contract.</i></p> <p><i>It is our expectation that Greenfield South will stop construction at the site.</i></p> <p><i>After pursuing discussions to reach a negotiated agreement, we have notified Greenfield South that the OPA is not proceeding with the contract.</i></p> <p><i>We are seeking to continue discussions with Greenfield South on next steps. We cannot provide any additional information on these discussions at this time.</i></p> <p><i>We will look for another site for the gas plant.</i></p> <p><i>Once potential sites have been identified, the public will be consulted before a final decision is made.</i></p>

	<p><u>SCENARIO C – If letter/letters become public</u></p> <p>Despite OPA's best efforts, a successful negotiation could not be reached.</p> <p>OPA has decided that the contract come to an end and we support their decision.</p> <p>The government is committed to relocating this plant. It is in the ratepayer's interest to stop construction of this plant as soon as possible.</p> <p>It is also in the interest of Ontario's economy to resolve this as quickly as possible. We need to reassure electricity developers and investors that Ontario remains a good place to make energy investments.</p> <p>Gas-fired generation has^{is} an important and cost-effective role in building a cleaner, more modern electricity system that meets Ontario's energy needs.</p> <p><u>To ensure Ontario is following best practices, the government will review the gas-plant siting process. It has already started to investigate how siting is dealt with in other jurisdictions and this investigation will continue.</u></p> <p>The government remains committed to providing a strong, stable supply of electricity for Ontario. We also remain committed to providing support to those making investments in Ontario's electricity system.</p> <p>The government will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.</p>	<p><i>Despite our best efforts, a successful negotiation could not be reached.</i></p> <p><i>We have decided that the contract come to an end and appreciate the government's support.</i></p> <p><i>The government is committed to relocating this plant. It is in the ratepayer's interest to stop construction of this plant as soon as possible.</i></p> <p><i>It is also in the interest of Ontario's economy to resolve this as quickly as possible. We need to reassure electricity developers and investors that Ontario remains a good place to make energy investments.</i></p> <p><i>Gas-fired generation has^{is} an important and cost-effective role in building a cleaner, more modern electricity system that meets Ontario's energy needs.</i></p> <p><i>We share the government's commitment to ratepayer value.</i></p> <p><i>We hope to continue discussions with the developer to arrive at a resolution fair to all parties.</i></p>
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<p>There's been strong and persistent opposition in other communities – Northern York Region for example, yet those plants are proceeding. Why are you stopping this one?</p>	<p>This is a unique case and these circumstances do not apply to other contracts or issues.</p>	<p><i>This is a unique case and these circumstances do not apply to other contracts or issues.</i></p>
<p>What does “most appropriate way to allocate compensation between the OPA and Crown” mean?</p>	<p>It means that we will sit down together to determine how to share the cost of cancelling<u>not proceeding with</u> the contract, giving full recognition to ratepayer value and contractual obligations.</p>	<p><i>It means that we will sit down together to determine how to share the cost of cancelling<u>not proceeding with</u> the contract, giving full recognition to ratepayer value and contractual obligations.</i></p>
<p>Exactly how much is it going to cost to cancel this contract?</p>	<p>That has yet to be determined. The OPA is committed to resolving this matter with ratepayer value top of mind.</p>	<p><i>We hope to start negotiations soon. We are committed to finding a fair resolution that upholds ratepayer value.</i></p>
<p>How long will settlement negotiations take? Is there a drop-dead date?</p>	<p>The OPA will take the time necessary to come to a fair resolution.</p>	<p><i>We will take the time needed to find a fair solution.</i></p>
<p>Are these letters precedent-setting? Has the Ministry or OPA sent similar</p>	<p>No. Such letters are not precedent-setting. Our government conducts business on behalf of the people of Ontario in an open and transparent manner.</p>	<p><i>No. Such letters are not precedent-setting. Our agency conducts business on behalf of the people of Ontario. We do so in an open and transparent manner.</i></p>

letters before?		
<u>Contract Termination</u>	<u>SCENARIO A</u>	
Has the contract been terminated?	<i>No, however if negotiations are not successful, the OPA has notified Greenfield South that it will not be proceeding with the contract. In the meantime, the OPA has asked Greenfield South to stop construction at the site.</i>	<i>No. We are in discussions with Greenfield South. We have notified them however that if our negotiations are not successful, we will not be proceeding with the contract. In the meantime, we have asked Greenfield South to stop construction at the site.</i>
Who terminated the contract?	<u>SCENARIO B AND C</u>	<i>After pursuing discussions to reach a negotiated agreement, we have notified Greenfield South that the OPA is not proceeding with the contract.</i>
Why was the contract terminated? Were other solutions not viable?	<p>Following discussions with Greenfield South, OPA decided that not proceeding with the contract would best serve the public's interest.</p> <p>Contract negotiations are commercially sensitive. These discussions are confidential. We are confident the OPA is working in the best interests of Ontarians.</p>	<p><i>Contract negotiations are commercially sensitive. These discussions are confidential. We will continue to negotiate in the best interests of Ontarians.</i></p>
Did the OPA terminate the contract at the government's request?	The OPA, as the contract holder, has been in discussions with Greenfield South to resolve this matter in the best interests of Ontarians. Following discussions with Greenfield South, OPA decided that not proceeding with the contract best serves the	<p><i>The government has been clear that it is committed relocating the plant. Given the government's commitment, and following discussions with Greenfield South, we decided not proceeding with the contract was the appropriate next step.</i></p> <p><i>Our goal has been to resolve this matter in the best interests of Ontarians. We believe this decision</i></p>

<p>Why wasn't the contract terminated sooner?</p> <p>If the OPA is terminating the contract, how can you get the company to work with the OPA to relocate the site?</p> <p>Will Greenfield South be the company to build the relocated plant? Do you have assurances from them on that?</p> <p>Will you put this back out to tender?</p> <p>What is the process for finding another site?</p>	<p>public's interest. We support the OPA's decision.</p> <p>Discussions began as soon as they could between OPA and Greenfield South. This decision is the result of those discussions.</p> <p>The OPA will pursue further discussions with Greenfield South and we expect them to find a satisfactory resolution.</p> <p>The OPA will pursue further discussions with Greenfield South to find a satisfactory resolution.</p> <p>The OPA will pursue further discussions with Greenfield South to find a satisfactory resolution.</p> <p>The OPA is best able to answer this. We can confirm that the site selection will include public consultation.</p>	<p><i>best serves the public interest. Contract negotiations are commercial sensitive and we cannot say more than that.</i></p> <p><i>We initiated discussions with Greenfield South as soon as we received the Minister's letter asking us to begin discussions. Not proceeding with the contract is the result of these discussions.</i></p> <p><i>We will pursue further discussions with Greenfield South.</i></p> <p><i>We expect to continue discussions with Greenfield South and hope to reach a satisfactory resolution.</i></p> <p><i>We expect to continue discussions with Greenfield South and hope to reach a satisfactory resolution.</i></p> <p><i>This will require further consideration, but we will consider local generation needs and transmission and distribution support. Once options are identified, the public will be consulted.</i></p>
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<p>How come you've cancelled the plants in Mississauga and Oakville but not in Northern York Region?</p>	<p>These are two very different situations. The OPA has advised that Southwest GTA's local reliability issues can be addressed through building transmission. Transmission projects were rejected by the people of Northern York Region, and a generating facility is required immediately in the region to meet North American standards for reliability.</p>	<p><i>These are two very different situations. Southwest GTA's local reliability issues can be addressed through building transmission. Transmission projects were rejected by the people of Northern York Region, and a generating facility is required immediately in the region to meet North American standards for reliability.</i></p>
<p>Unrelated content removed</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>	<p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>	<p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>

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<p>Minister, your spokesperson said that legislation was not needed, is this true?</p>	<p>together to find a satisfactory resolution.</p> <p>The best option, and the one we are choosing at this time, is to have the OPA work with Greenfield South to find satisfactory resolution to the site.</p>	<p><i>hope to reach a satisfactory resolution.</i></p> <p><i>The government is best able to answer this question.</i></p>
<p><u>Contract Value</u></p> <p>Why should anyone want to contract with OPA or government after this?</p> <p>What's the status of negotiations with TransCanada?</p> <p>Will the cost of these contract cancellations be made public knowledge at some time?</p>	<p>The government and our agencies have successful track records for negotiating and fulfilling contracts in the best interest of Ontario taxpayers. This is a unique case and these circumstances do not apply to other contracts or issues.</p> <p>Like any other business, energy partners work together to respond to changing conditions. Contracts are renegotiated or terminated on a small and large scale across businesses of all types.</p> <p>Discussions with TransCanada continue. We do not have an update at this time.</p> <p>Our government is committed to conducting business in an open and transparent manner. We will provide what we can when we can.</p>	<p><i>Our agency has a successful track record for negotiating and fulfilling contracts in the best interest of Ontario ratepayers.</i></p> <p><i>This is a unique case and these circumstances do not apply to other contracts or issues.</i></p> <p><i>Discussions with TransCanada continue. We do not have an update at this time.</i></p> <p><i>Contracts are commercially sensitive. It is up to the developer to determine what they are willing to make public and when.</i></p>

Fisher, Petra (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November-15-11 5:31 PM
To: 'McMichael, Rhonda (CAB)'
Cc: 'Sharkawi, Rula (ENERGY)'; Gemmiti, Paola (ENERGY)
Subject: Update
Attachments: QA-repudiationNov15(gas-plant siting).5pm.doc

Duplicate attachment removed

Hi Rhonda –

- OPA met with Greenfield at 3pm today
- DMs will meet after to review meeting/direction
- As of this afternoon (before 3pm meeting), plan is to release OPA and Minister statements on Friday (letter at 9, OPA statement at 10 and Minister statement at 11). Minister's statement will commit to a gas-plant siting review by government. I've revised the QA to incorporate this review (currently with Legal and Policy for their input).
- Our MO is revising the Minister's statement and will be sending out next version (haven't received yet)

Let me know if you have any questions.

Sylvia
7-4334

Fisher, Petra (ENERGY)

From: Letourneau, Amanda (ENERGY)
Sent: November-15-11 5:41 PM
To: Rehob, James (ENERGY)
Subject: Zoning of Greenfield Site
Attachments: Part 8 - E1 to E3.pdf

Duplicate
attachment
removed

Hi James,

Here is the applicable zoning designation for the plant location. Sorry I couldn't copy and paste it into a smaller document but the PDF wouldn't let me do that. The applicable exception is on page 8.2.3 – 9, there is a comment under the exception that applies (E2-20). The land is zoned for employment uses along with the exceptions listed in E2-20 which allows for a power generating facility (among other additional permitted uses).

Let me know if you have any questions!

Amanda

Amanda Letourneau
Articling Student
Legal Services Branch
Ministries of Energy and Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
P: 416-325-7304
F: 416-325-1781

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Fisher, Petra (ENERGY)

From: Kulendran, Jesse (ENERGY)
Sent: November-15-11 5:55 PM
To: Lindsay, David (ENERGY)
Cc: Silva, Joseph (ENERGY)
Subject: Revised Minister's Statement

Deputy,

Below is the latest version of the M's statement. It is with Rick/Carolyn for review.

There is no reference to the review as the Minister currently wants to use it in the scrum – but that could change.

Thanks, Jesse

ENERGY'S STATEMENT – 15 NOV 2011 – 6pm

STATEMENT FROM ONTARIO MINISTER OF ENERGY CHRIS BENTLEY

November 16, 2011

We made a specific commitment to residents in Mississauga and Etobicoke to relocate the gas generating plant currently under construction.

We listened to local concerns from all residents, taking into consideration the changes in the area, including new residential development.

After several weeks of discussions between the Ontario Power Authority and the owners of the plant, no agreement has been reached to stop construction and relocate.

The Ontario Power Authority has informed the corporation that it is taking the next step in this process and will not proceed with its contract.

Ontario families and businesses need a reliable supply of clean power for our homes and businesses - we intend to honour our commitment to relocate the gas generation plant as quickly as possible. The best interests of Ontarians and their communities are our number one priority.

- 30 -

Jesse Kulendran · Senior Coordinator, Policy & Special Projects
Office of the Deputy Minister · Ministry of Energy
Tel.: 416-327-7025 · Blackberry: 416-206-1394

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-15-11 6:00 PM
To: Kulendran, Jesse (ENERGY); Jennings, Rick (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Kovesfalvi, Sylvia (ENERGY); Silva, Joseph (ENERGY)
Subject: RE: Revised Minister's Statement

Instead of "new residential development", it may be more accurate to refer to say, "including residential development since the plant was proposed", or something along those lines. I don't know how long the "new" condo towers have been in place.

Otherwise, no concerns.

Carolyn

From: Kulendran, Jesse (ENERGY)
Sent: Tue 15/11/2011 5:55 PM
To: Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Kovesfalvi, Sylvia (ENERGY); Silva, Joseph (ENERGY)
Subject: Revised Minister's Statement

Rick/Carolyn,

Below is the revised Minister's statement – could you please review? I will wait for your comments before sharing with OPA.

There is no reference to the review as the Minister currently wants to use it in the scrum – but that could change.

Thanks, Jesse

ENERGY'S STATEMENT – 15 NOV 2011 – 6pm

STATEMENT FROM ONTARIO MINISTER OF ENERGY CHRIS BENTLEY

November 16, 2011

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Ontario families and businesses need a reliable supply of clean power for our homes and businesses - we intend to honour our commitment to relocate the gas generation plant as quickly as possible. The best interests of Ontarians and their communities are our number one priority.

Jesse Kulendran · Senior Coordinator, Policy & Special Projects
Office of the Deputy Minister · Ministry of Energy
Tel.: 416-327-7025 · Blackberry: 416-206-1394

Fisher, Petra (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November-16-11 8:28 AM
To: Silva, Joseph (ENERGY); King, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kulendran, Jesse (ENERGY); Botond, Erika (ENERGY); Dunn, Ryan (ENERGY); Kett, Jennifer (OPO)
Cc: Gemmiti, Paola (ENERGY); Gemmiti, Paola (MAA); Nutter, George (ENERGY); Sharkawi, Rula (ENERGY)
Subject: Greenfield

Hi –

CO has asked us to develop messaging/strategy and q/a around how comms would work if we reach an agreement to stop construction (vs cancelling contract).

Am working on that now and will be forwarding mats in the next hour or so.

Cayley, Daniel (ENERGY)

From: King, Ryan (ENERGY)
Sent: November-16-11 8:53 AM
To: Calwell, Carolyn (ENERGY); Kovesfalvi, Sylvia (ENERGY); Jennings, Rick (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Silva, Joseph (ENERGY); Kulendran, Jesse (ENERGY); Nutter, George (ENERGY)
Subject: RE: Updated QA
Attachments: QA-repudiationNov15(gas-plant%20siting) 620pmLSB(rk).doc

[Edits to Carolyn's version of QA attached](#)

From: Calwell, Carolyn (ENERGY)
Sent: November 15, 2011 6:24 PM
To: Kovesfalvi, Sylvia (ENERGY); Jennings, Rick (ENERGY); King, Ryan (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Silva, Joseph (ENERGY); Kulendran, Jesse (ENERGY); Nutter, George (ENERGY)
Subject: RE: Updated QA

Please see proposed changes in the attached.

We should probably also revisit the Scenario A and B distinction. We now know that the OPA will only advise Greenfield that it is not proceeding with the contract. As such, I'm not sure that I see any ongoing distinction between the 2 scenarios as we had previously distinguished them, except possibly to the extent that some discussions continue to occur between the OPA and Greenfield or don't - it seems like these are the more realistic scenarios at this point.

Carolyn

From: Kovesfalvi, Sylvia (ENERGY)
Sent: Tue 15/11/2011 5:24 PM
To: Jennings, Rick (ENERGY); King, Ryan (ENERGY); Calwell, Carolyn (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Silva, Joseph (ENERGY); Kulendran, Jesse (ENERGY); Nutter, George (ENERGY)
Subject: Updated QA

Hi –

Attached are updated QA/messaging based on incorporating a gas-plant siting review in Minister's statement.

Once I've incorporated your comments, will share with MO and then OPA.

Thank you.

Sylvia
7-4334

MEDIA PROTOCOL

Generally the Minister's Office responds to strategic questions and OPA responds to operational questions.

Strategic - Minister's Office (Minister or Erika Botond)

- Government's decision to relocate the plant
- Government's commitment to relocate the plant.

Operational - OPA (Colin Andersen or Kristen Jenkins)

- Status of contract negotiations, and process for finding another site
- History of Greenfield site selection (required approvals, public consultation, etc).

Process

- The OPA immediately notifies the Ministry of Energy of any Greenfield-related media call (Communications Director, Media Manager and Spokesperson).
- The Ministry immediately notifies Minister's Office, Deputy Minister's Office, Legal and Cabinet Office.
- The OPA submits proposed responses; the ministry secures approvals (Cabinet Office, DMO, Legal, Policy).
- The Minister's Office confirms who responds and how (phone/email).

WHO SAYS WHAT – General Guidelines

	MINISTER	OPA
Key Messages	<p>SCENARIO A - If OPA sends letter to Greenfield South advising unsuccessful <u>negotiations lead to termination (2-step approach)</u></p> <p>The OPA is in negotiations with Greenfield South.</p> <p>I understand the OPA has notified Greenfield South that it will not be proceeding with the contract.</p> <p>It is our expectation that Greenfield South will stop construction at the site.</p> <p><u>SCENARIO B - If Contract is Terminated</u></p> <p>I understand the OPA has had discussions with the developer – Greenfield South. The OPA has notified Greenfield that the OPA is not proceeding with the contract.</p> <p>The OPA will look for another site for the gas plant.</p> <p>The government will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.</p>	<p><i>We are in discussions with Greenfield South.</i></p> <p><i>We have notified them that we will not be proceeding with the contract.</i></p> <p><i>It is our expectation that Greenfield South will stop construction at the site.</i></p> <p><i>After pursuing discussions to reach a negotiated agreement, we have notified Greenfield South that the OPA is not proceeding with the contract.</i></p> <p><i>We are seeking to continue discussions with Greenfield South on next steps. We cannot provide any additional information on these discussions at this time.</i></p> <p><i>We will look for another site for the gas plant.</i></p> <p><i>Once potential sites have been identified, the public will be consulted before a final decision is made.</i></p>

	<p>SCENARIO C – If letter/letters become public</p> <p>Despite OPA's best efforts, a successful-negotiations were not successful-could not be reached.</p> <p>OPA has decided that the contract <u>will</u> come to an end and we support their decision.</p> <p>The government is committed to relocating this plant. It is in the ratepayer's interest to stop construction of this plant as soon as possible.</p> <p>It is also in the interest of Ontario's economy to resolve this as quickly as possible. We need to reassure electricity developers and investors that Ontario remains a good place to make energy investments.</p> <p>Gas-fired generation hasie an important and cost-effective role in building a cleaner, more modern electricity system that meets Ontario's energy needs.</p> <p>To ensure Ontario is following best practices, the government will review the look at the gas-plant siting process. It has already started to investigate how siting is dealt with in other jurisdictions and this investigation will continue.-</p> <p>The government remains committed to providing a strong, stable supply of electricity for Ontario. We also remain committed to providing support to those making investments in Ontario's electricity system.</p> <p>The government will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.</p>	<p><i>Despite our best efforts, a successful negotiation could not be reached.</i></p> <p><i>We have decided that the contract <u>will</u> come to an end and appreciate the government's support.</i></p> <p><i>The government is committed to relocating this plant. It is in the ratepayer's interest to stop construction of this plant as soon as possible.</i></p> <p><i>It is also in the interest of Ontario's economy to resolve this as quickly as possible. We need to reassure electricity developers and investors that Ontario remains a good place to make energy investments.</i></p> <p><i>Gas-fired generation <u>has</u> an important and cost-effective role in building a cleaner, more modern electricity system that meets Ontario's energy needs.</i></p> <p><i>We share the government's commitment to ratepayer value.</i></p> <p><i>We hope to continue discussions with the developer to arrive at a resolution fair to all parties.</i></p>
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<p>There's been strong and persistent opposition in other communities – Northern York Region for example, yet those plants are proceeding. Why are you stopping this one?</p>	<p>This is a unique case and these circumstances do not apply to other contracts or issues.</p>	<p><i>This is a unique case and these circumstances do not apply to other contracts or issues.</i></p>
<p>What does “most appropriate way to allocate compensation between the OPA and Crown” mean?</p>	<p>It means that we will sit down together to determine how to share the cost of cancelling<u>not proceeding with</u> the contract, giving full recognition to ratepayer value and contractual obligations.</p>	<p><i>It means that we will sit down together to determine how to share the cost of cancelling<u>not proceeding with</u> the contract, giving full recognition to ratepayer value and contractual obligations.</i></p>
<p>Exactly how much is it going to cost to cancel this contract?</p>	<p>That has yet to be determined. The OPA is committed to resolving this matter with ratepayer value top of mind.</p>	<p>We hope to start negotiations soon. We are committed to finding a fair resolution that upholds ratepayer value.</p>
<p>How long will settlement negotiations take? Is there a drop-dead date?</p>	<p>The OPA will take the time necessary to come to a fair resolution.</p>	<p><i>We will take the time needed to find a fair solution.</i></p>
<p>Are these letters precedent-setting? Has the Ministry or OPA sent similar</p>	<p>No. Such letters are not precedent-setting. Our government conducts business on behalf of the people of Ontario in an open and transparent manner.</p>	<p><i>No. Such letters are not precedent-setting. Our agency conducts business on behalf of the people of Ontario. We do so in an open and transparent manner.</i></p>

letters before?		
<u>Contract Termination</u>	<u>SCENARIO A</u>	
Has the contract been terminated?	<i>No, however if negotiations are not successful, the OPA has notified Greenfield South that it will not be proceeding with the contract. In the meantime, the OPA has asked Greenfield South to stop construction at the site.</i>	<i>No. We are in discussions with Greenfield South. We have notified them however that if our negotiations are not successful, we will not be proceeding with the contract. In the meantime, we have asked Greenfield South to stop construction at the site.</i>
Who terminated the contract?	<u>SCENARIO B AND C</u>	
Why was the contract terminated? Were other solutions not viable?	<p>Following discussions with Greenfield South, OPA decided that not proceeding with the contract would best serve the public's interest.</p> <p>Contract negotiations are commercially sensitive. These discussions are confidential. We are confident the OPA is working in the best interests of Ontarians.</p>	<p><i>After pursuing discussions to reach a negotiated agreement, we have notified Greenfield South that the OPA is not proceeding with the contract.</i></p> <p><i>Contract negotiations are commercially sensitive. These discussions are confidential. We will continue to negotiate in the best interests of Ontarians.</i></p>
Did the OPA terminate the contract at the government's request?	<i>The OPA, as the contract holder, has been in discussions with Greenfield South to resolve this matter in the best interests of Ontarians. Following discussions with Greenfield South, OPA decided that not proceeding with the contract best serves the</i>	<p><i>The government has been clear that it is committed relocating the plant. Given the government's commitment, and following discussions with Greenfield South, we decided not proceeding with the contract was the appropriate next step.</i></p> <p><i>Our goal has been to resolve this matter in the best interests of Ontarians. We believe this decision</i></p>

<p>Why wasn't the contract terminated sooner?</p> <p>If the OPA is terminating the contract, how can you get the company to work with the OPA to relocate the site?</p> <p>Will Greenfield South be the company to build the relocated plant? Do you have assurances from them on that?</p> <p>Will you put this back out to tender?</p> <p>What is the process for finding another site?</p>	<p>public's interest. We support the OPA's decision.</p> <p>Discussions began as soon as they could between OPA and Greenfield South. This decision is the result of those discussions.</p> <p>The OPA will pursue further discussions with Greenfield South and we expect them to find a satisfactory resolution.</p> <p>The OPA will pursue further discussions with Greenfield South to find a satisfactory resolution.</p> <p>The OPA will pursue further discussions with Greenfield South to find a satisfactory resolution.</p> <p>The OPA is best able to answer this. We can confirm that the site selection will include public consultation.</p>	<p><i>best serves the public interest. Contract negotiations are commercial sensitive and we cannot say more than that.</i></p> <p><i>We initiated discussions with Greenfield South as soon as they could we received the Minister's letter asking us to begin discussions. Not proceeding with the contract is the result of these discussions.</i></p> <p><i>We will pursue further discussions with Greenfield South.</i></p> <p><i>We expect to continue discussions with Greenfield South and hope to reach a satisfactory resolution.</i></p> <p><i>We expect to continue discussions with Greenfield South and hope to reach a satisfactory resolution.</i></p> <p><i>This will require further consideration, but we will consider local generation needs and transmission and distribution support. Once options are identified, the public will be consulted.</i></p>
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Comment [U1]: Note that the originally proposed response will generate a request for a copy of the Minister's first letter.

<p>How come you've cancelled the plants in Mississauga and Oakville but not in Northern York Region?</p>	<p>These are two very different situations. The OPA has advised that Southwest GTA's local reliability issues can be addressed through building transmission. Transmission projects were rejected by the people of Northern York Region, and a generating facility is required immediately in the region to meet North American standards for reliability.</p>	<p><i>These are two very different situations. Southwest GTA's local reliability issues can be addressed through building transmission. Transmission projects were rejected by the people of Northern York Region, and a generating facility is required immediately in the region to meet North American standards for reliability.</i></p>
<p>Unrelated content removed</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>	<p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>	<p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>

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Unrelated content removed			Formatted: Font: Bold
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			Comment [U2]: Approvals were not in place for Oakville, so this isn't accurate.
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			Formatted: Font: Bold
			Formatted: Font: Bold
			Comment [k3]: Is this true?
			Formatted: Font: Bold
			Comment [k4]: This contradicts what was just said above.
			Formatted: Font: Bold
			Formatted: Font: Bold
			Formatted: Highlight

<p>Unrelated content removed</p>	<p>Unrelated content removed</p>	
<p>Construction</p> <p>Now that the OPA has terminated the contract, will work stop at the site?</p> <p>Will legislation be required to stop construction?</p>	<p>SCENARIO A</p> <p>My understanding is that the OPA has notified the developer that it will not be proceeding with the contract. The OPA has asked the developer to stop work at the site.</p> <p>SCENARIO B & C</p> <p>My understanding is that the OPA has notified the developer that it is not proceeding with the contract. The OPA requires the developer to stop work at the site.</p> <p>Legislation is an option, however, the best option, and the one we are choosing at this time, is to have the OPA work with Greenfield South to find satisfactory resolution.</p>	<p>SCENARIO A</p> <p><i>We have notified Greenfield South that we will not be proceeding with the contract and asked Greenfield to stop construction. We have made it clear that Greenfield is financially liable if construction continues. We will pursue further discussions about stopping work at the site.</i></p> <p>SCENARIO B & C</p> <p><i>The government is best able to answer this question.</i></p> <p><i>We have notified Greenfield South- that we are not proceeding with the contract. We have stated that we require Greenfield to stop construction. We have made it clear that Greenfield is financially liable if construction continues. We will pursue further</i></p>

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<p>Minister, your spokesperson said that legislation was not needed, is this true?</p>	<p>It is our expectation the OPA and Greenfield South will work together to find a satisfactory resolution.</p> <p>The best option, and the one we are choosing at this time, is to have the OPA work with Greenfield South to find satisfactory resolution to the site.</p>	<p><i>discussions about stopping work at the site, and hope to reach a satisfactory resolution.-</i></p> <p><i>The government is best able to answer this question.</i></p>
<p><u>Contract Value</u></p> <p>Why should anyone want to contract with OPA or government after this?</p> <p>What's the status of negotiations with TransCanada?</p> <p>Will the cost of these contract cancellations be made public knowledge at some time?</p>	<p>The government and our agencies have successful track records for negotiating and fulfilling contracts in the best interest of Ontario taxpayers. This is a unique case and these circumstances do not apply to other contracts or issues.</p> <p>Like any other business, energy partners work together to respond to changing conditions. Contracts are renegotiated or terminated on a small and large scale across businesses of all types.</p> <p>Discussions with TransCanada continue. We do not have an update at this time.</p> <p>Our government is committed to conducting business in an open and transparent manner. We will provide what we can when we can.</p>	<p><i>Our agency has a successful track record for negotiating and fulfilling contracts in the best interest of Ontario ratepayers.</i></p> <p><i>This is a unique case and these circumstances do not apply to other contracts or issues.</i></p> <p><i>Discussions with TransCanada continue. We do not have an update at this time.</i></p> <p><i>Contracts are commercially sensitive. It is up to the developer to determine what they are willing to make public and when.</i></p>

Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November-16-11 9:01 AM
To: 'McMichael, Rhonda (CAB)'; 'Sharkawi, Rula (ENERGY)'; Gemmiti, Paola (MAA); 'Gemmiti, Paola (ENERGY)'; 'Kulendran, Jesse (ENERGY)'; Silva, Joseph (ENERGY); King, Ryan (ENERGY); 'Calwell, Carolyn (ENERGY)'; @CAB-Issues
Cc: Morton, Robert (ENERGY); Gerard, Paul (ENERGY); Kourakos, Georgina (ENERGY)
Subject: PC press conference at Mississauga power plant
Attachments: image001.gif; image002.jpg; image003.jpg; image004.gif
Importance: High

FYI – Opposition critic Vic Fedeli holding a press conference on site at 11am today.

From: Kourakos, Georgina (ENERGY)
Sent: November 16, 2011 8:59 AM
To: Kovesfalvi, Sylvia (ENERGY); Morton, Robert (ENERGY); Gerard, Paul (ENERGY)
Subject: FYI: PC press conference at Mississauga power plant
Importance: High



Critic takes on power plant



Power Plant The controversial gas fired power plant is getting ever closer to completion despite the objections of citizens in surrounding neighbourhood. *Staff photo by Fred Loek*
John Stewart

November 16, 2011

As construction continues apace on the Eastern power plant that the Ontario Liberal government has promised to move out of Mississauga, the Conservative Opposition energy critic will hold a press conference on the site this morning.

Vic Fedeli, MPP for Nipissing and energy critic for the Progressive Conservatives, will use the power plant – which gets larger and larger with each growing day of construction — as a backdrop for cameras when he speaks to the media at 11 a.m. at the site on Loreland Ave.

As of last week, Liberal government officials and local MPPs remained at a loss to explain why work on the plant on Loreland, south of Dundas St. E. near the city's eastern boundary, continues more than six weeks after they announced on the campaign trail that they would cancel.

"I have no further progress to report," Energy Minister Chris Bentley said Nov. 9.

"We've committed to ... relocate the plant. I know the OPA (Ontario Power Authority) is working hard on

this," said Bentley, who declined to answer specific questions about the project. Premier Dalton McGuinty also struggled to account for the government's failure to act. "Discussions are still underway," McGuinty said.

Eastern Power has refused to publicly comment on the issue for some time.

Citizenship and Immigration Minister Charles Sousa, whose Mississauga South riding borders the power plant, emphasized it would close.

Sousa made the surprise announcement on Sept. 24 — less than two weeks before the Oct. 6 provincial election — in a politically-successful bid to save Liberal seats in Mississauga and Etobicoke.

He said he could appreciate the concerns that residents have when trucks continue to rumble toward the bustling work site.

"We are going to have the plant relocated and we are in the process of doing that," said Sousa. "I don't want to divulge things that will compromise the situation."

Jim Wilson, the Progressive Conservative MPP for Simcoe-Grey, said McGuinty "misled the people of Mississauga and the people of Ontario."

jstewart@mississauga.net

-30-

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Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November-16-11 9:14 AM
To: King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Subject: RE: Updated QA

That works too ... I will make it so.

From: King, Ryan (ENERGY)
Sent: November 16, 2011 9:14 AM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Subject: RE: Updated QA

Could we just say for now 'we are still determining the timelines'? something preliminary like that?

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November 16, 2011 9:08 AM
To: King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Subject: RE: Updated QA

Thanks Ryan –

The answer to the question "will the site be named before or after the review" is up to Ministry to decide.

I've drafted "we will complete the review before naming the site" as an approach that buys time.

Another suggestion would be:

"There remains a local need for additional generation in SW GTA to meet growing energy demand. The OPA will be looking for a new site or solution in parallel with the government's review. Our learnings will inform the OPA's site selection process."

From: King, Ryan (ENERGY)
Sent: November 16, 2011 8:53 AM
To: Calwell, Carolyn (ENERGY); Kovesfalvi, Sylvia (ENERGY); Jennings, Rick (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Silva, Joseph (ENERGY); Kulendran, Jesse (ENERGY); Nutter, George (ENERGY)
Subject: RE: Updated QA

Edits to Carolyn's version of QA attached

From: Calwell, Carolyn (ENERGY)
Sent: November 15, 2011 6:24 PM
To: Kovesfalvi, Sylvia (ENERGY); Jennings, Rick (ENERGY); King, Ryan (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Silva, Joseph (ENERGY); Kulendran, Jesse (ENERGY); Nutter, George (ENERGY)
Subject: RE: Updated QA

Please see proposed changes in the attached.

We should probably also revisit the Scenario A and B distinction. We now know that the OPA will only advise Greenfield that it is not proceeding with the contract. As such, I'm not sure that I see any ongoing distinction between the 2 scenarios as we had previously distinguished them, except possibly to the extent that some discussions continue to occur between the OPA and Greenfield or don't - it seems like these are the more realistic scenarios at this point.

Carolyn

From: Kovesfalvi, Sylvia (ENERGY)

Sent: Tue 15/11/2011 5:24 PM

To: Jennings, Rick (ENERGY); King, Ryan (ENERGY); Calwell, Carolyn (ENERGY)

Cc: Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Silva, Joseph (ENERGY); Kulendran, Jesse (ENERGY); Nutter, George (ENERGY)

Subject: Updated QA

Hi –

Attached are updated QA/messaging based on incorporating a gas-plant siting review in Minister's statement.

Once I've incorporated your comments, will share with MO and then OPA.

Thank you.

Sylvia
7-4334

Fisher, Petra (ENERGY)

From: Kristin Jenkins <Kristin.Jenkins@powerauthority.on.ca>
Sent: November-16-11 9:53 AM
To: Kovesfalvi, Sylvia (ENERGY); Botond, Erika (ENERGY); Kulendran, Jesse (ENERGY); Calwell, Carolyn (ENERGY)
Cc: Kett, Jennifer (OPO); Dunn, Ryan (ENERGY)
Subject: RE: Update

We are still in discussions with Eastern.

From: Kovesfalvi, Sylvia (ENERGY) [mailto:Sylvia.Kovesfalvi@ontario.ca]
Sent: November 16, 2011 9:29 AM
To: Botond, Erika (ENERGY); Kulendran, Jesse (ENERGY); Kristin Jenkins; Calwell, Carolyn (ENERGY)
Cc: Kett, Jennifer (OPO); Dunn, Ryan (ENERGY)
Subject: RE: Update

Last I heard is they were still negotiating at 6:45pm yesterday.

From: Botond, Erika (ENERGY)
Sent: November 16, 2011 9:23 AM
To: Kulendran, Jesse (ENERGY); 'Kristin Jenkins'; Kovesfalvi, Sylvia (ENERGY); Calwell, Carolyn (ENERGY)
Cc: Kett, Jennifer (OPO); Dunn, Ryan (ENERGY)
Subject: Update

Hi folks - how did the meeting go yesterday? Any update?

Thx!
Erika

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Cayley, Daniel (ENERGY)

From: Rehob, James (ENERGY)
Sent: November-16-11 10:33 AM
To: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY)
Subject: Bill: Timing Re: Introduction, Process, Translation etc.

Privileged & Confidential Legal Advice / Solicitor & Client Privileged

November 16, 2011

Good morning, Carolyn and Halyna. While I am still awaiting a second draft of the Greenfield South Bill back from OLC, there are a number of important and time-sensitive matters related to the bill which I would really appreciate discussing with you at your early convenience. These are all elements drawn from my understanding of the process and I'm sure you are well acquainted with them, but I thought it would be useful for us to have a discussion about the process and timing:

- **General timing:** As I understand there is no actual timing yet established for the introduction of the Bill, although I have heard mention that it may be desired that we introduce next week (as soon as the House rises). I'm actually quite unclear whether the drafting will be in any way ready, but you can certainly know that I will do everything I can to meet the timing as established by the decision-makers.
- **General Process elements:** The Bill will need to receive policy approval, either by a committee of Cabinet, such as EERP, LRC or Cabinet sitting as both LRC and itself.
 - To date, formal Cabinet committees have not yet been struck;
 - Our own Cabinet Office Liaison (Hanna Smith) would normally schedule this item or arrange for a special meeting of Cabinet with ECO and CO.
 - Earliest Cabinet dates are in January (this is just my current understanding and needs to be confirmed with Hanna Smith our ECO/CO) therefore **a special Cabinet or LRC/Cabinet, etc. meeting may well be required** if introduction is to occur in this session of the House;
 - Policy and related briefing documents do need to be developed with the client and sent through (along with the MAG BN on its own track).
- **Bill-related elements:** Normally, the introduction version of the Bill including the (usually 50) requisite number of required copies have to be delivered to the office of the House Leader on the day of introduction, if not the day before:
 - MO or DMO should liaise with the **Office of the House Leader** as early as possible after the Bill is fully drafted and ready to ensure we have lined up introduction dates/timing;
 - Prior to this, we must prepare both English and French Compendium and Plain Language (simplified version) of compendium;
 - Ministry (usually LSB-me) would arrange for translation services through George Nutter of Communications, who (as was the case in the most recent Bills we've done) arranges for French translation services. Translation of the Bill itself and its Explanatory Note are prepared for us by OLC's own French translation unit.
 - Timing for Second Reading and Committee would have to be identified as soon as possible so that we can prepare any required amendments to the Bill, assuming the Bill goes to the Committee after First versus Second reading. The main difference for the policy-makers and the drafters is that the scope of the amendments that one can make at the Second Reading stage is smaller (the scope of the Bill is fixed) and only the more technical versus wide-open fundamental policy changes can be made at Committee after Second Reading.
 - LSB may want to touch base with the Clerk of the House in order to ensure we provide him or her with the Bill and related documents in the time required, once the committee stage elements are settled.

The best course of action I would posit at this point given the information I have on hand is that we should, as soon as possible (when appropriate, of course) discuss the development of a policy and process plan for this initiative with Hanna Smith and Rick Jennings, once MO and DMO allow us or direct us to do so.

Thank you!

Kindly,

James

James P. H. Rehob

Senior Counsel
Ministry of Energy and
Ministry of Infrastructure
Legal Services Branch
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Tel: 416-325-6676
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Fisher, Petra (ENERGY)

From: Morton, Robert (ENERGY)
Sent: November-16-11 10:59 AM
To: Smith, Mark (ENERGY)
Cc: Kovesfalvi, Sylvia (ENERGY)
Subject: FW: Greenfield Fact Sheet

Hi Mark,

Ryan has requested some basic facts on the Greenfield facility. I quickly pulled together some info below using old Q&A. Can you please add anything further that you feel is appropriate, run it by policy, and forward it to Ryan. Thank you.

Greenfield South – Basic Facts

The Greenfield South Generating Station is a 280-megawatt combined cycle natural gas plant located in the City of Mississauga on a 4.5 hectare property at 2315 Loreland Avenue.

The station would have provided power to (insert #) homes.

The plant was designed to complement our baseload supply and would have only operated when electricity supply was needed, during periods of higher demand and to improve the reliability of supply to the local community.

Actual operation would depend on several factors including weather, demands on the electricity system, and availability of other sources of power.

It was expected to operate 10% to 45% of the time.

From: Dunn, Ryan (ENERGY)
Sent: November 16, 2011 10:28 AM
To: Morton, Robert (ENERGY)
Subject: Greenfield Fact Sheet

Can I get some basic facts re: the Greenfield facility?

How many MW?

How many homes would it power?

What's its purpose? Etc.....

Fisher, Petra (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November-16-11 11:02 AM
To: 'Morton, Robert (ENERGY)'; Smith, Mark (ENERGY)
Subject: RE: Greenfield Fact Sheet
Attachments: Greenfield - Messages and Qs and As.Oct27.doc

I believe Ryan already has these QA – but the last two pages provides some background.

From: Morton, Robert (ENERGY)
Sent: November 16, 2011 10:59 AM
To: Smith, Mark (ENERGY)
Cc: Kovesfalvi, Sylvia (ENERGY)
Subject: FW: Greenfield Fact Sheet

Hi Mark,

Ryan has requested some basic facts on the Greenfield facility. I quickly pulled together some info below using old Q&A. Can you please add anything further that you feel is appropriate, run it by policy, and forward it to Ryan. Thank you.

Greenfield South – Basic Facts

The Greenfield South Generating Station is a 280-megawatt combined cycle natural gas plant located in the City of Mississauga on a 4.5 hectare property at 2315 Loreland Avenue.

The station would have provided power to (insert #) homes.

The plant was designed to complement our baseload supply and would have only operated when electricity supply was needed, during periods of higher demand and to improve the reliability of supply to the local community.

Actual operation would depend on several factors including weather, demands on the electricity system, and availability of other sources of power.

It was expected to operate 10% to 45% of the time.

From: Dunn, Ryan (ENERGY)
Sent: November 16, 2011 10:28 AM
To: Morton, Robert (ENERGY)
Subject: Greenfield Fact Sheet

Can I get some basic facts re: the Greenfield facility?

How many MW?

How many homes would it power?

What's it purpose? Etc.....

**Greenfield South Power Plant
KM/QA
Draft Two – October 27, 2011**

KEY MESSAGES

- Our government is committed to relocating the natural gas plant originally planned for Mississauga.
- That's why I sent a letter to the CEO of the OPA asking him to begin discussions with Eastern Power to find a new location for the site.
- It's our expectation the OPA and Eastern Power will work together to find a **satisfactory resolution to the Mississauga site.**
- As the OPA proceeds with their discussions, we will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority

QUESTIONS AND ANSWERS

STATUS

Why is work proceeding if the plant is being moved?

Our government is committed to finding a satisfactory resolution to the natural gas plant originally planned for Mississauga.

The first step is holding discussions with Eastern Power. I have asked the OPA, as the contract holder, to begin discussions with Eastern Power to find a satisfactory resolution to the site.

Why don't you stop construction while discussions are ongoing?

The first step is holding discussions with Eastern Power. I have asked the OPA, as the contract holder, to begin discussions with Eastern Power to find a satisfactory resolution to the site.

When did construction start?

Construction started in May 2011.

Why hasn't construction stopped?

Again, the first step is holding discussions with Eastern Power. I have asked the OPA to begin discussions with Eastern Power to find a satisfactory resolution to the site

What if Eastern Power does not agree to discussions and continues construction?

It's our expectation the OPA and Eastern Power will work together to find a satisfactory resolution to the site.

Will you issue a stop-order?

I have asked the OPA to begin discussions with Eastern Power to find a satisfactory resolution to the site.

It's our expectation the OPA and Eastern Power will work together to find a satisfactory resolution to the site.

As the OPA proceeds with their discussions, we will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.

Will it require legislation to cancel it?

At this time, the OPA, as the contract holder, will begin discussions with Eastern Power to find a satisfactory resolution to the site.

It's our expectation the OPA and Eastern Power will work together to find a satisfactory resolution to the site.

But if talks break down, is legislation an option?

The first step is holding discussions with Eastern Power.

It's our expectation the OPA and Eastern Power will work together to find a satisfactory resolution to the site.

Legislation is an option, however, the best option, and the one we are choosing at this time, is to have the OPA work with Eastern Power to find satisfactory resolution to the site

Minister, your spokesperson said that legislation was not needed, is this true?

The best option, and the one we are choosing at this time, is to have the OPA work with Eastern Power to find satisfactory resolution to the site.

That's why I sent a letter to letter to the CEO of the OPA asking him to begin discussions with Eastern Power to find a satisfactory resolution to the site.

NEGOTIATIONS

What stage are discussions at with the company? Have you personally spoken to them?

I have asked the OPA, as the contract holder, to begin discussions.

Who is negotiating with the company on behalf of the province? Is it the OPA?

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Will you put this back out to tender?

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What is the process for cancelling the project?

At this time, the OPA will begin discussions with Eastern Power to find a satisfactory resolution to the site.

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COST

Isn't the price going up as long as construction continues?

Many issues will be considered in the discussions.

How much is it going to cost to relocate this plant?

I have asked the OPA to begin discussions with Eastern Power to find a satisfactory resolution to the site. I'm hopeful that this will be resolved fairly and in the best interests of ratepayers.

How much would it have cost to move the plant when the intent to relocate was first announced in late September, 2011?

Many issues will be considered in the discussions.

Is the company just trying to get as much as they can from a settlement?

I'm hopeful that this will be resolved fairly and in the best interests of ratepayers.

Will the cost be made public knowledge at some time?

Our government is committed to conducting business in an open and transparent manner.

How long do you expect negotiations to take and how much will this cost taxpayers?

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Will it be in Mississauga?

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Why not build the natural gas plant in Nanticoke instead? They've indicated they're a willing host community.

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Will the public be consulted?

Yes.

LOCAL SUPPLY AND RELIABILITY

Will this jeopardize power supply in the area?

We are in an excellent supply situation in Ontario. The OPA will examine what options are available including transmission options to ensure reliability.

How delayed will this plant be now and do we have enough power in the interim to meet demand?

As I have said, the first step is holding discussions with Eastern Power.

We are in an excellent supply situation in Ontario. The OPA will examine what options are available, including transmission options, to ensure reliability.

How often will the new plant operate?

Actual operation of an alternate plant will depend on several factors including weather, local system conditions, demands on the electricity system and the availability of other sources of power.

So we know for sure it will be a gas plant – and not additional transmission or other resources, such as renewable energy and conservation – that will replace this plant?

We are in an excellent supply situation in Ontario. The OPA will examine what options are available, including transmission options, to ensure reliability.

What about the transmission solution? When the Oakville plant was cancelled you said a transmission solution can ensure the area will have enough electricity.

We are in an excellent supply situation in Ontario. The OPA will examine what options are available, including transmission options, to ensure reliability.

Will a natural gas plant be built in the Kitchener-Waterloo-Cambridge-Guelph area?

As indicated in the Long-Term Energy Plan the procurement of a natural gas plant in the Kitchener-Waterloo-Cambridge area is necessary.

The Kitchener-Waterloo-Cambridge area is a major automotive and high-tech centre and is experiencing rapid population and economic growth. Peak demand has been increasing at a rate double the provincial average. The region is host to several data centres that require a reliable power supply.

How many natural gas plants are there already operating in the GTA?

There are four major plants:

- The 550-megawatt Portlands Energy Centre near downtown Toronto
- The 874-megawatt Goreway Station in Brampton
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In addition there are a number of smaller natural gas generating plants operating in industry, and in commercial and institutional complexes, including universities and hospitals, including:

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- A 6.7-megawatt cogeneration facility at Sudbury hospital

WHAT RELOCATING GREENFIELD MEANS FOR OTHER PROJECTS

Are there other power projects set to break ground that you may reconsider?

This is a case and location-specific issue and is not applicable to any other issue.

You said that about Mississauga, after you cancelled Oakville. How can we trust that you won't cave to pressure the next time?

Like any other business, energy partners work together to respond to changing conditions.

This is a case and location-specific issue and is not applicable to any other issue.

Communities object to wind power yet you won't budge. This is two gas plants you have cancelled. Why the double-standard?

The government has heard the community's concerns about this plant proceeding as originally planned prompting our intention to relocate the plant. There is no reason to try and juxtapose this case with other generation projects.

Does this speak to a need to have a more independent, arms-length process?

This is a case and location-specific issue and is not applicable to any other issue. We will continue to work collaboratively with all parties involved.

Will you reconsider new gas set-backs or a new siting process for plants of any kind?

We are investigating how siting is dealt with in other jurisdictions but are still in the preliminary research stage.

What is the status of negotiations with TransCanada over the cancellation of the Oakville plant?

We are in discussions with TransCanada, and do not have an update at this time.

GENERAL BACKGROUND

- Greenfield South Generating Station is a 280-megawatt combined cycle natural gas plant located in the City of Mississauga on a 4.5 hectare property at 2315 Loreland Avenue. The plant will occupy roughly 2 hectares of the property.
- The plant is 700 metres from the Trillium Health Centre and 1.1 km from the nearest school (Isna Elementary School). The nearest block of homes is about 250 metres south of the site.
- The plant was selected in the Ministry of Energy Clean Energy Supply competition in 2005 and holds a contract with the Ontario Power Authority (OPA).
- The plant's original planned commercial operation date was 2009.
- Approval delays resulting from City of Mississauga opposition to the project at the environmental approval and building permitting stages harmed the economic viability

of the project. The contract between Greenfield South Power Corporation and the OPA was renegotiated, and the commercial operation date has been extended to September 1, 2014.

- The project obtained zoning approval in 2007 and environmental approval in 2008.
- The OPA was advised on May 31, 2011, that the company has received its building permit for the plant. The company is moving equipment to the site, and excavation and foundation work is expected to start in early July.
- The site is located in a predominantly industrial area. It is bounded by a railway line, a transmission corridor and the Queen Elizabeth Way.
- The Ontario Municipal Board reviewed municipal planning and zoning and determined that the site was properly zoned and suitable for this type of electricity generation facility.
- In October 2011, the Minister of Energy wrote to the OPA asking them to begin discussions with Eastern Power to find an alternate location for the Greenfield South Plant.

Note:

In April 2005, Eastern Power was awarded contracts for two 280 MW natural gas plants – one for Greenfield South and one for Greenfield North (Huronario St. north of Derry Rd.). In August 2005, Greenfield North contract terminated under a mutual agreement between the OPA and Eastern Power because Eastern Power was not able to obtain financing. The Greenfield South contract remained in place. At the time, Eastern Power said it preferred the Greenfield South site because it was better for natural gas supply and electrical connection and the area was zoned for industrial activity, including power generation.

Fisher, Petra (ENERGY)

From: Kulendran, Jesse (ENERGY)
Sent: November-16-11 11:13 AM
To: Lindsay, David (ENERGY)
Cc: Silva, Joseph (ENERGY)
Subject: Statements

Hi Deputy,

Here are the latest latest version of the Minister's & OPA's Statements for your reference and review:

ENERGY DRAFT – 16 NOV 2011 – 11am

STATEMENT FROM ONTARIO MINISTER OF ENERGY CHRIS BENTLEY

November 16, 2011

We made a specific commitment to residents in Mississauga and Etobicoke to relocate the gas generating plant currently under construction.

We listened to local concerns from all residents, taking into consideration the changes in the area, including residential development since the plant was proposed.

After several weeks of discussions between the Ontario Power Authority and the owners of the plant, no agreement has been reached to stop construction and relocate.

The Ontario Power Authority has informed the corporation that it is taking the next step in this process and will not proceed with its contract.

Ontario families and businesses need a reliable supply of clean power for our homes and businesses - we intend to honour our commitment to relocate the gas generation plant. The best interests of Ontarians and their communities are our number one priority.

-30-

OPA DRAFT- 15 NOV 2011 – 2pm

OPA NOT PROCEEDING WITH CONTRACT FOR MISSISSAUGA POWER PLANT

TORONTO, November 16, 2011- The Ontario Power Authority announced today, that despite best efforts to work with Greenfield South Power Corporation, is not proceeding with the contract for Greenfield's Mississauga power plant..

After several weeks of discussions it has become clear that Greenfield South has no intent to consider relocation and continues construction. In light of this, the company has been notified that OPA is not proceeding with the contract. Greenfield is financially liable for any further investments in the project.

The OPA will continue to work with the government to identify another site for the gas plant based on local generation needs and transmission and distribution support to ensure a long-term reliable supply of electricity.

-30-

Thanks, Jesse

Jesse Kulendran · Senior Coordinator, Policy & Special Projects
Office of the Deputy Minister · Ministry of Energy
Tel.: 416-327-7025 · Blackberry: 416-206-1394

Cayley, Daniel (ENERGY)

From: Smith, Mark (ENERGY)
Sent: November-16-11 11:16 AM
To: King, Ryan (ENERGY)
Subject: ACTION REQUIRED: Greenfield South Background
Attachments: B15 - New Gas-Fired Electricity Generation - Oct 31 2011.doc; Greenfield - Messages and Qs and As.Oct27.doc

Importance: High

Hi Ryan,
Ryan Dunn is looking for as much background info on Greenfield as he can find. The House Book Note and attached QAs/KM seem to be pretty comprehensive to me. Can you confirm that the information is current? Also, he specifically asked about why it was needed (pulled from early HBN and attached below), and how many homes it would power, can you provide that?

Proposed System Need – as of September 1 2011

- **The Greenfield South plant is required to be able to meet needs for local and regional reliability for the Southwest and Western GTA.**

Mark Smith
Media and Issues Officer
Ministry of Energy and Ministry of Infrastructure
416-326-5001

NEW GAS-FIRED ELECTRICITY GENERATION

ISSUE:

Construction is continuing at the Greenfield South Generating Station despite a government announcement that the plant would not be completed.

Unrelated content removed

| [REDACTED]

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Greenfield South

If asked about ongoing construction at the plant:

- The Ontario government is committed to relocating the natural gas plant originally planned for Mississauga.
- We will be working with the company to find a suitable location for this plant.
- We will be providing more information as discussions progress.

Oakville Generating Station

If asked about cancellation of proposed Oakville gas-fired plant and potential contract implications with TransCanada:

- Discussions with TransCanada are ongoing.

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Status of New Gas-Fired Facilities:

Future In-Service Dates are CONFIDENTIAL

Project	Procurement Type	Size (MW)	Status	In-Service Date
Unrelated content removed				
Greenfield South	CE	280.0	Government has announced termination of plant at this site.	Q3 2014
TransCanada Oakville Generating Station	GTA	900.0	Cancelled	NA
Kitchener-Waterloo-Cambridge-Guelph		450.0	Procurement direction not yet issued	TBD
TOTAL ONLINE		3702.6.1		
TOTAL		4825.6.6		

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Contracted Projects Not Yet On-line

Greenfield South

- Greenfield South Generating Station is a 280 MW combined cycle natural gas plant located in the City of Mississauga on a 4.5 hectare property at 2315 Loreland Avenue. Part of the

project's property will be dedicated to the City as greenbelt, and the plant will occupy roughly 2 hectares of the property.

- Eastern Power Ltd. is an equity contributor to Greenfield South Power Corporation, and is responsible for the project's design, engineering, and management, and provides operations and maintenance support. No information is available on any other partners.
- The plant is 200 metres from the nearest residence, 700 metres from the nearest hospital and 1.1 km from the nearest school.
- The plant was selected in the Ministry of Energy Clean Energy Supply competition and holds a contract with the OPA.
- Approvals delays resulting from City of Mississauga opposition to the project at the EA and building permitting stages harmed the economic viability of the project.
- The Ontario Municipal Board reviewed municipal planning and zoning in 2007 and determined that the site was properly zoned and suitable for this type of electricity generation facility.
- The project obtained environmental approval in 2008 from the Ministry of the Environment.
- The City of Mississauga issued a building permit on May 31, 2011 for the building that will house the generation equipment.
- The contract between Greenfield South and the Ontario Power Authority was renegotiated as a result of approvals delays, to extend the operational date.
- As of March 18, 2011, the OPA and Greenfield South have agreed to a new COD: Q3 2014.
- Greenfield intends to proceed with the project and has previously indicated that they would pursue litigation if the City or the province moved to prevent the plant from being built.
- Delays in the COD will exacerbate supply problems in the southwest GTA.
- The proponent has stated that all financing needed for construction of the project was finalized in May 2011. Public reports indicate that \$250 million in financing was provided by Morgan Stanley and EIG Global Energy Partners.
- As of July 20th, the proponent reports that it has begun to lay the foundations for the gas and steam turbine halls.
- Purchase orders for all of the plant's major equipment including the turbines and generators have been placed.
- Residents in the surrounding community have reacted negatively because they assumed the project was not proceeding.
- The proponents will be holding monthly local liaison meetings to help foster communication with local residents.
- On June 16, the Minister of the Environment John Wilkinson announced that the Ministry of the Environment will conduct an updated review of the approval for the Greenfield South facility to assess recent developments. The review will take as long as the ministry needs to confirm that the project can proceed in a manner that is fully protective of public health and the environment.
- The Environmental Approval for the generating plant is specific to the site, and is not transferable.
- On September 24th, several media outlets reported on the Liberal party's campaign commitment to relocate the proposed Greenfield South generating station to a location outside Mississauga and Oakville.
- In a news release, Ontario Liberal candidates Charles Sousa, Donna Cansfield, Laurel Broten and Dipika Damerla said the party would work with the developer to find a new location for the plant.
- On October 24, 2011, as the result of a release from the leader of the Opposition, several media reported on the continuing construction at the site, including delivery of a generator.

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Procurements

Clean Energy Supply RFP – 2,500 MW

- In 2004 and 2005 the Ministry developed and administered a Request for Proposals that ultimately resulted in 5 successful projects totaling 1,955 MW of gas-fired generating capacity
Unrelated content removed
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- These contracts were transferred to the OPA for management.

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Southwest GTA Procurement

- On July 16, 2008, the Minister of Energy and Infrastructure announced that he would direct the OPA to launch a competitive bidding process for a combined-cycle natural gas plant of about 850 MW in the southwest GTA.
- On September 30, 2009, the Ontario Power Authority announced that it would sign a contract with TransCanada Corporation to design, build and operate a 900 MW electricity generating station in Oakville. TransCanada estimated the cost of the plant at \$1.2 billion.
- On October 7, 2010, the Minister of Energy announced that the plant had been cancelled. The OPA is negotiating termination of the contract with TransCanada (**CONFIDENTIAL**).

Potential non-GTA procurement (Kitchener-Waterloo-Cambridge):

- The Kitchener-Waterloo-Cambridge area is a major automotive and “high tech” centre and is experiencing rapid population and economic growth. Peak demand is 1,400 MW and has

been increasing at a rate double the provincial average. The region is host to several data centres that require a reliable power supply

- During the development of the IPSP, the OPA determined that for reliability and security reasons, and to contribute to coal replacement, additional simple cycle gas-fired electricity supply of 450 MW would be required.
- The preferred location for the facility is near the Preston Transformer Station in Cambridge, which would negate the need for a major transmission re-enforcement in the Cambridge area.
- The site search area lies within the Haldimand Tract. Ministry legal counsel has advised that notice be provided to Six Nations of the Grand River prior to issuance of a direction. The current plan is to arrange a Ministry/OPA briefing of Six Nations before a procurement is announced.

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Prepared by: Allan Jenkins, Senior Policy Specialist
Energy Supply and Competition
(416) 325-6926

Approved by: Doug MacCallum, Manager
Energy Markets
(416)325-6546

Garry McKeever, Director
Energy Supply and Competition
(416) 325-8627

Rick Jennings, ADM
Office of Energy Supply, Transmission and Distribution
(416) 314-6190

**Greenfield South Power Plant
KM/QA
Draft Two – October 27, 2011**

KEY MESSAGES

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WHAT RELOCATING GREENFIELD MEANS FOR OTHER PROJECTS

Are there other power projects set to break ground that you may reconsider?

This is a case and location-specific issue and is not applicable to any other issue.

You said that about Mississauga, after you cancelled Oakville. How can we trust that you won't cave to pressure the next time?

Like any other business, energy partners work together to respond to changing conditions.

This is a case and location-specific issue and is not applicable to any other issue.

Communities object to wind power yet you won't budge. This is two gas plants you have cancelled. Why the double-standard?

The government has heard the community's concerns about this plant proceeding as originally planned prompting our intention to relocate the plant. There is no reason to try and juxtapose this case with other generation projects.

Does this speak to a need to have a more independent, arms-length process?

This is a case and location-specific issue and is not applicable to any other issue. We will continue to work collaboratively with all parties involved.

Will you reconsider new gas set-backs or a new siting process for plants of any kind?

We are investigating how siting is dealt with in other jurisdictions but are still in the preliminary research stage.

What is the status of negotiations with TransCanada over the cancellation of the Oakville plant?

We are in discussions with TransCanada, and do not have an update at this time.

GENERAL BACKGROUND

- Greenfield South Generating Station is a 280-megawatt combined cycle natural gas plant located in the City of Mississauga on a 4.5 hectare property at 2315 Loreland Avenue. The plant will occupy roughly 2 hectares of the property.
- The plant is 700 metres from the Trillium Health Centre and 1.1 km from the nearest school (Isna Elementary School). The nearest block of homes is about 250 metres south of the site.
- The plant was selected in the Ministry of Energy Clean Energy Supply competition in 2005 and holds a contract with the Ontario Power Authority (OPA).
- The plant's original planned commercial operation date was 2009.
- Approval delays resulting from City of Mississauga opposition to the project at the environmental approval and building permitting stages harmed the economic viability

of the project. The contract between Greenfield South Power Corporation and the OPA was renegotiated, and the commercial operation date has been extended to September 1, 2014.

- The project obtained zoning approval in 2007 and environmental approval in 2008.
- The OPA was advised on May 31, 2011, that the company has received its building permit for the plant. The company is moving equipment to the site, and excavation and foundation work is expected to start in early July.
- The site is located in a predominantly industrial area. It is bounded by a railway line, a transmission corridor and the Queen Elizabeth Way.
- The Ontario Municipal Board reviewed municipal planning and zoning and determined that the site was properly zoned and suitable for this type of electricity generation facility.
- In October 2011, the Minister of Energy wrote to the OPA asking them to begin discussions with Eastern Power to find an alternate location for the Greenfield South Plant.

Note:

In April 2005, Eastern Power was awarded contracts for two 280 MW natural gas plants – one for Greenfield South and one for Greenfield North (Huronario St. north of Derry Rd.). In August 2005, Greenfield North contract terminated under a mutual agreement between the OPA and Eastern Power because Eastern Power was not able to obtain financing. The Greenfield South contract remained in place. At the time, Eastern Power said it preferred the Greenfield South site because it was better for natural gas supply and electrical connection and the area was zoned for industrial activity, including power generation.

Fisher, Petra (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November-16-11 11:20 AM
To: Kulendran, Jesse (ENERGY)
Cc: Nutter, George (ENERGY); Gemmiti, Paola (ENERGY); Calwell, Carolyn (ENERGY)
Subject: RE: Privileged and Confidential - Revised News Release

Thanks Jesse – CO has asked to prepare messaging/coms strategy in case Greenfield agrees to stop work while negotiations continue. Working on that now.

From: Kulendran, Jesse (ENERGY)
Sent: November 16, 2011 11:09 AM
To: 'Kristin Jenkins'
Cc: Michael Lyle; Colin Andersen; Michael Killeavy; Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY); Gemmiti, Paola (ENERGY); Jennings, Rick (ENERGY); Kovesfalvi, Sylvia (ENERGY); Silva, Joseph (ENERGY)
Subject: RE: Privileged and Confidential - Revised News Release

Hi Kristin,

Here's the latest version of the Minister's Statement for your review:

ENERGY DRAFT – 16 NOV 2011 – 11am

STATEMENT FROM ONTARIO MINISTER OF ENERGY CHRIS BENTLEY

November 16, 2011

We made a specific commitment to residents in Mississauga and Etobicoke to relocate the gas generating plant currently under construction.

We listened to local concerns from all residents, taking into consideration the changes in the area, including residential development since the plant was proposed.

After several weeks of discussions between the Ontario Power Authority and the owners of the plant, no agreement has been reached to stop construction and relocate.

The Ontario Power Authority has informed the corporation that it is taking the next step in this process and will not proceed with its contract.

Ontario families and businesses need a reliable supply of clean power for our homes and businesses - we intend to honour our commitment to relocate the gas generation plant. The best interests of Ontarians and their communities are our number one priority.

-30-

Thanks, Jesse

From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]
Sent: November 15, 2011 2:09 PM
To: Kulendran, Jesse (ENERGY)
Cc: Michael Lyle; Colin Andersen; Michael Killeavy
Subject: Privileged and Confidential - Revised News Release

Jesse – based on legal advice, “terminated” has been changed to “is not proceeding.” We can discuss in more detail on our call at 2:30 pm. Mike Lyle is also following up with Energy legal. Thanks.

OPA DRAFT- 15 NOV 2011 -2:00 pm

OPA NOT PROCEEDING WITH CONTRACT FOR MISSISSAUGA POWER PLANT

TORONTO, November 16, 2011- The Ontario Power Authority announced today, that despite best efforts to work with Greenfield South Power Corporation, is not proceeding with the contract for Greenfield’s Mississauga power plant..

After several weeks of discussions it has become clear that Greenfield South has no intent to consider relocation and continues construction. In light of this, the company has been notified that OPA is not proceeding with the contract. Greenfield is financially liable for any further investments in the project.

The OPA will continue to work with the government to identify another site for the gas plant based on local generation needs and transmission and distribution support to ensure a long-term reliable supply of electricity.

-30-

Kristin Jenkins | Vice President, Corporate Communications | **Ontario Power Authority** | 120 Adelaide Street West, Suite 1600 | Toronto, ON M5H 1T1 | tel. 416.969.6007 | fax. 416.967.1947 | www.powerauthority.on.ca

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Fisher, Petra (ENERGY)

From: King, Ryan (ENERGY)
Sent: November-16-11 11:27 AM
To: Smith, Mark (ENERGY); Chapman, Tom (ENERGY)
Subject: RE: ACTION REQUIRED: Greenfield South Background
Attachments: Greenfield South Chronology - 06-07-11.docx; Eastern Power BN (v6).doc

The plant was needed as part of the commitment to close all coal fired generation facilities (originally for 2007) as were the other facilities that were part of the RFP. I've attached further info on Greenfield in a chronology and BN on eastern power in particular. Tom, would you be able to run the math on a 280 MW plant for homes powered?

Thanks

From: Smith, Mark (ENERGY)
Sent: November 16, 2011 11:16 AM
To: King, Ryan (ENERGY)
Subject: ACTION REQUIRED: Greenfield South Background
Importance: High

Hi Ryan,
Ryan Dunn is looking for as much background info on Greenfield as he can find. The House Book Note and attached QAs/KM seem to be pretty comprehensive to me. Can you confirm that the information is current? Also, he specifically asked about why it was needed (pulled from early HBN and attached below), and how many homes it would power, can you provide that?

Proposed System Need – as of September 1 2011

- **The Greenfield South plant is required to be able to meet needs for local and regional reliability for the Southwest and Western GTA.**

Mark Smith
Media and Issues Officer
Ministry of Energy and Ministry of Infrastructure
416-326-5001

Chronology

Greenfield South Power Plant

- June 2004 Ministry of Energy launches 2,500 MW CES RFP; the RFP set out a 2007 in service date to coincide with the coal shutdown.
- April 2005 Eastern Power awarded two contracts. The two contracts were 280MW each for a Greenfield South plant (Hwy 427 & QEW) and a Greenfield North plant (Hwy 407 & Hwy 10); 2009 was the contracted in-service date for the Eastern Facilities.
- August 2005 Greenfield North contract terminated under a mutual agreement between the OPA and Eastern Power because Eastern Power was not able to obtain financing. The Greenfield South contract remained in place with the original contracted in-service date of 2009.
- September 2005, Eastern Power filed a force majeure (FM) notice with the OPA because the Ministry of the Environment (MOE) received requests to elevate the project to an individual EA
- January 2006, the Director of the MOE denied the elevation request
- March 2006, City of Mississauga passed zoning by-laws that would not allow Greenfield South to be built at the proposed site
- October 2007, OMB issued an Order in favour of Eastern power after Eastern Power appealed the City of Mississauga ruling to the OMB
- July 2008, the Minister of the Environment concurred with the decision made by the Director of the MOE and Eastern Power receives EA approval
- July 2008, Eastern Power terminates first FM upon receipt of Minister of the Environment's decision; at the same time, negotiation of an amendment was initiated
- March 2009, Eastern Power applies for a building permit from the City of Mississauga; According to the Ontario Building Code, permit is to be issued within 30 business days of completing application. This does not happen.
- August 2009, Greenfield files second force majeure dated back to June 15, 2009 due to delays in obtaining building permit.
- March 2009, resulting from delay between 2005 and 2008, the OPA and Eastern Power amend agreement with new in service date of Sept 2012 (from July 2009); agreement also amended so that proponent no longer has option of burning oil if natural gas prices increase.
- March 2011, Eastern Power determines that they can obtain project financing and terminates second FM
- May 2011, OPA and Eastern Power agree to revised milestone date for commercial operation resulting from the building permit delay.
- May 2011, project financing achieved through **EIG Management and Credit Suisse**
- May 2011, Eastern Power obtained building permit from the City of Mississauga ;mobilization is in process and major foundation work is planned to commence in July 2011
- Project is presently advanced into detailed design stage; major equipment procurement is underway with steam turbine generator delivered and in storage

Briefing Note: Eastern Power Limited

Address

401-2275 Lake Shore Blvd W
Toronto, ON
M8V 3Y3

Company Profile

- Eastern Power Limited is a privately-owned company founded in 1985. Eastern Power is an Ontario-based corporation with its corporate administrative offices in Toronto. Eastern Power is also ~~ownlisted under the name of Eastern Power Developers Incorporated, as and operators of the~~ Keele Valley and Brock West landfill gas generating stations ~~s and variously as a construction firm, land developer and environmental consulting firm..~~
- Greg Vogt is the president of Eastern Power.
- Hubert Vogt is vice-president of Eastern Power.
- Dr. Bruce E. Holbein is the public face of the company's involvement in Greenfield South.

Projects/Background

- Greenfield South Power Corporation (GSPC) lists Eastern Power Limited as an affiliate on its web site, but it appears that GSPC is wholly owned by Eastern Power Limited.
- Eastern Power obtained \$550 million financing for the Greenfield South plant from Credit Suisse, insured by EIG.
- Eastern Power has two landfill gas non-utility generation (NUG) contracts for the Keele Valley Power Plant in Vaughan and the Brock West Power Plant in Pickering. These are managed by the Ontario Electricity Financial Corporation (OEFC).
- Eastern Power sued OEFC for \$121 million in 1998 over a dispute about the Keele Valley contract.
- The case was decided in favour of the OEFC except for one issue where the courts sided with Eastern Power. The OEFC has made an offer to settle on this issue, but Eastern Power has not responded. Eastern Power has indicated that they may continue to pursue the issue in the courts rather than respond.
- Super Blue Box Recycling Corp (SUBBOR) is an affiliate of Eastern Power which operated a demonstration Energy from Waste facility in Guelph between 1998 and 2002. Guelph terminated the relationship when they couldn't obtain proof that the facility was operating at full-scale.

Prepared by: Ryan King, Senior Advisor and Executive Assistant
ADM's Office

4-6204

Allan Jenkins, Senior Policy Specialist
Energy Markets
5-6926

Approved by:

Garry McKeever, Director
Energy Supply and Competition
5-8627

Rick Jennings, Assistant Deputy Minister
Energy Supply, Transmission and Distribution Policy
4-6190

Cayley, Daniel (ENERGY)

From: Rehob, James (ENERGY)
Sent: November-16-11 11:42 AM
To: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY)
Subject: RE: Bill: Timing Re: Introduction, Process, Translation etc.

Privileged & Confidential Legal Advice / Solicitor & Client Privileged

November 16, 2011

Hi, again – two more points: Firstly, I now understand that there may be a Cabinet meeting or LRC (one or the other) scheduled for November 24, 2011. Secondly, we should add vetting the bill through CLB and CLOC to the list below. Thank you very much!
James

From: Rehob, James (ENERGY)
Sent: November 16, 2011 10:33 AM
To: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY)
Subject: Bill: Timing Re: Introduction, Process, Translation etc.

Privileged & Confidential Legal Advice / Solicitor & Client Privileged

November 16, 2011

Good morning, Carolyn and Halyna. While I am still awaiting a second draft of the Greenfield South Bill back from OLC, there are a number of important and time-sensitive matters related to the bill which I would really appreciate discussing with you at your early convenience. These are all elements drawn from my understanding of the process and I'm sure you are well acquainted with them, but I thought it would be useful for us to have a discussion about the process and timing:

- **General timing:** As I understand there is no actual timing yet established for the introduction of the Bill, although I have heard mention that it may be desired that we introduce next week (as soon as the House rises). I'm actually quite unclear whether the drafting will be in any way ready, but you can certainly know that I will do everything I can to meet the timing as established by the decision-makers.
- **General Process elements:** The Bill will need to receive policy approval, either by a committee of Cabinet, such as EERP, LRC or Cabinet sitting as both LRC and itself.
 - To date, formal Cabinet committees have not yet been struck;
 - Our own Cabinet Office Liaison (Hanna Smith) would normally schedule this item or arrange for a special meeting of Cabinet with ECO and CO.
 - Earliest Cabinet dates are in January (this is just my current understanding and needs to be confirmed with Hanna Smith our ECO/CO) therefore **a special Cabinet or LRC/Cabinet, etc. meeting may well be required** if introduction is to occur in this session of the House;
 - Policy and related briefing documents do need to be developed with the client and sent through (along with the MAG BN on its own track).
- **Bill-related elements:** Normally, the introduction version of the Bill including the (usually 50) requisite number of required copies have to be delivered to the office of the House Leader on the day of introduction, if not the day before:
 - MO or DMO should liaise with the **Office of the House Leader** as early as possible after the Bill is fully drafted and ready to ensure we have lined up introduction dates/timing;
 - Prior to this, we must prepare both English and French Compendium and Plain Language (simplified version) of compendium;
 - Ministry (usually LSB-me) would arrange for translation services through George Nutter of Communications, who (as was the case in the most recent Bills we've done) arranges for French

translation services. Translation of the Bill itself and its Explanatory Note are prepared for us by OLC's own French translation unit.

- Timing for Second Reading and Committee would have to be identified as soon as possible so that we can prepare any required amendments to the Bill, assuming the Bill goes to the Committee after First versus Second reading. The main difference for the policy-makers and the drafters is that the scope of the amendments that one can make at the Second Reading stage is smaller (the scope of the Bill is fixed) and only the more technical versus wide-open fundamental policy changes can be made at Committee after Second Reading.
- LSB may want to touch base with the Clerk of the House in order to ensure we provide him or her with the Bill and related documents in the time required, once the committee stage elements are settled.

The best course of action I would posit at this point given the information I have on hand is that we should, as soon as possible (when appropriate, of course) discuss the development of a policy and process plan for this initiative with Hanna Smith and Rick Jennings, once MO and DMO allow us or direct us to do so.

Thank you!

Kindly,

James

James P. H. Rebob

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Fisher, Petra (ENERGY)

From: Morton, Robert (ENERGY)
Sent: October-26-11 11:44 AM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: Cayley, Daniel (ENERGY); Smith, Mark (ENERGY)
Subject: FW: Killer Q's for Minister re: miisissauga greenfield plant

Here is what Daniel and I have put together:

- What are the possible alternative locations [being considered](#)?
- Are the alternative locations in residential areas?
- What is the status of negotiations with the owners to move the plant?.
- Have you even started negotiations with the owners?
- Why didn't you tell the owners to stop building the plant when you made the announcement?
- How much will it cost to move the plant?
- Did you know how much it would cost to move the plant when the announcement to move it was made? If not, why?
- Isn't this just a classic example of political opportunism to save Liberal seats in the Legislature?
- Why shouldn't the people of Ontario believe that this is just another in the long list of lies made by the McGuinty government?
- [Can't other resources, such as renewable energy and conservation, replace the need for this plant?](#)
- [You say conditions have changed because of residential development in the area – how could you not know that developments were planned near the plant when you approved it?](#)
- Are you going to announce new minimum setbacks for gas plants?
- You have recently cancelled two gas plants that faced significant public opposition – why then is the gas plant in Northern York Region still going ahead? Is it because it is in a riding held by a PC MPP?

Cayley, Daniel (ENERGY)

From: Smith, Mark (ENERGY)
Sent: November-16-11 12:08 PM
To: King, Ryan (ENERGY)
Subject: RE: Greenfield Fact Sheet
Attachments: Greenfield - Messages and Qs and As.Oct27.doc

Importance: High

Hey Ryan, I just want to make sure I'm on the right page. Before I flip this to Dunn, can you confirm that the following info accurately reflects what we discussed?

Hi Ryan, the attached QAs are current, and cover most of the material I think you're looking for. I've clipped out sections based on our conversation, and added information regarding the original RFP. I'm still waiting on the number of homes powered and expect to have that to you shortly.

GENERAL BACKGROUND

- Greenfield South Generating Station is a 280-megawatt combined cycle natural gas plant located in the City of Mississauga on a 4.5 hectare property at 2315 Loreland Avenue. The plant will occupy roughly 2 hectares of the property.
- The plant is 700 metres from the Trillium Health Centre and 1.1 km from the nearest school (Isna Elementary School). The nearest block of homes is about 250 metres south of the site.
- The plant was selected in the Ministry of Energy Clean Energy Supply competition in 2005 and holds a contract with the Ontario Power Authority (OPA).
- The station would have provided power to (insert #) homes.
- The plant was designed to complement our baseload supply and would have only operated when electricity supply was needed, during periods of higher demand and to improve the reliability of supply to the local community.
- Actual operation would depend on several factors including weather, demands on the electricity system, and availability of other sources of power.
- The plant's original planned commercial operation date was 2009 (now targetting 2014)
- It was expected to operate 10% to 45% of the time.

On the original RFP

The coal closure commitment created the need for new generation. Should keep in mind that at the time of this RFP the deadline for coal closure was 2007 so there was a real and pressing need (this was the Premier's commitment) to bring new generation that could replace coal (ie meet the potential shortfall). That was the impetus for the RFP. I've pasted below a summary of some of the criteria to do with the actual RFP. As this was an RFP, all of the bids and evaluations are strictly confidential.

- In 2004 and 2005 the Ministry developed and administered a Clean Energy Supply (CES) Request for Proposals that ultimately resulted in 5 successful projects totalling 1,955 MW of gas-fired generating capacity.
- The RFP sought to secure new generation to support coal replacement and support reliability.
- Greenfield South Power Corporation (controlled by Eastern Power Corporation) was a successful applicant in the CES RFP and signed a contract with the OPA in April 2005
- All proposals had to meet rigorous financial and technical requirements, which were examined by an independent Evaluation Team, which consisted of staff from the Ministries of Finance and Energy, the IESO, Hydro One and the OEB. The proposals that met all of these criteria were then stacked according to price (the Net Revenue Requirement) and adjusted for timing, location and transmission requirements. The winners represented the least-cost options for the province.
- All projects are required to meet provincial approvals and municipal approvals including Environmental Assessment and Certificates of Approval.

Local need/other options

What about the transmission solution? When the Oakville plant was cancelled you said a transmission solution can ensure the area will have enough electricity.

- We are in an excellent supply situation in Ontario. The OPA will examine what options are available, including transmission options, to ensure reliability.

Mark Smith

Media and Issues Officer

Ministry of Energy and Ministry of Infrastructure

416-326-5001

From: Morton, Robert (ENERGY)
Sent: November 16, 2011 10:59 AM
To: Smith, Mark (ENERGY)
Cc: Kovesfalvi, Sylvia (ENERGY)
Subject: FW: Greenfield Fact Sheet

Hi Mark,

Ryan has requested some basic facts on the Greenfield facility. I quickly pulled together some info below using old Q&A. Can you please add anything further that you feel is appropriate, run it by policy, and forward it to Ryan. Thank you.

Greenfield South – Basic Facts

The Greenfield South Generating Station is a 280-megawatt combined cycle natural gas plant located in the City of Mississauga on a 4.5 hectare property at 2315 Loreland Avenue.

The station would have provided power to (insert #) homes.

The plant was designed to complement our baseload supply and would have only operated when electricity supply was needed, during periods of higher demand and to improve the reliability of supply to the local community.

Actual operation would depend on several factors including weather, demands on the electricity system, and availability of other sources of power.

It was expected to operate 10% to 45% of the time.

From: Dunn, Ryan (ENERGY)
Sent: November 16, 2011 10:28 AM
To: Morton, Robert (ENERGY)
Subject: Greenfield Fact Sheet

Can I get some basic facts re: the Greenfield facility?

How many MW?

How many homes would it power?

What's its purpose? Etc.....

**Greenfield South Power Plant
KM/QA
Draft Two – October 27, 2011**

KEY MESSAGES

- Our government is committed to relocating the natural gas plant originally planned for Mississauga.
- That's why I sent a letter to the CEO of the OPA asking him to begin discussions with Eastern Power to find a new location for the site.
- It's our expectation the OPA and Eastern Power will work together to find a **satisfactory resolution to the Mississauga site.**
- As the OPA proceeds with their discussions, we will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority

QUESTIONS AND ANSWERS

STATUS

Why is work proceeding if the plant is being moved?

Our government is committed to finding a satisfactory resolution to the natural gas plant originally planned for Mississauga.

The first step is holding discussions with Eastern Power. I have asked the OPA, as the contract holder, to begin discussions with Eastern Power to find a satisfactory resolution to the site.

Why don't you stop construction while discussions are ongoing?

The first step is holding discussions with Eastern Power. I have asked the OPA, as the contract holder, to begin discussions with Eastern Power to find a satisfactory resolution to the site.

When did construction start?

Construction started in May 2011.

Why hasn't construction stopped?

Again, the first step is holding discussions with Eastern Power. I have asked the OPA to begin discussions with Eastern Power to find a satisfactory resolution to the site

What if Eastern Power does not agree to discussions and continues construction?

It's our expectation the OPA and Eastern Power will work together to find a satisfactory resolution to the site.

Will you issue a stop-order?

I have asked the OPA to begin discussions with Eastern Power to find a satisfactory resolution to the site.

It's our expectation the OPA and Eastern Power will work together to find a satisfactory resolution to the site.

As the OPA proceeds with their discussions, we will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.

Will it require legislation to cancel it?

At this time, the OPA, as the contract holder, will begin discussions with Eastern Power to find a satisfactory resolution to the site.

It's our expectation the OPA and Eastern Power will work together to find a satisfactory resolution to the site.

But if talks break down, is legislation an option?

The first step is holding discussions with Eastern Power.

It's our expectation the OPA and Eastern Power will work together to find a satisfactory resolution to the site.

Legislation is an option, however, the best option, and the one we are choosing at this time, is to have the OPA work with Eastern Power to find satisfactory resolution to the site

Minister, your spokesperson said that legislation was not needed, is this true?

The best option, and the one we are choosing at this time, is to have the OPA work with Eastern Power to find satisfactory resolution to the site.

That's why I sent a letter to the CEO of the OPA asking him to begin discussions with Eastern Power to find a satisfactory resolution to the site.

NEGOTIATIONS

What stage are discussions at with the company? Have you personally spoken to them?

I have asked the OPA, as the contract holder, to begin discussions.

Who is negotiating with the company on behalf of the province? Is it the OPA?

I have asked OPA, as the contract holder, to begin discussions.

Will Eastern Power be the company to build the relocated plant? Do you have assurances from them on that?

At this time, the OPA will begin discussions with Eastern Power to find a satisfactory resolution to the site.

Will you put this back out to tender?

At this time, the OPA will begin discussions with Eastern Power to find a satisfactory resolution to the site.

It's our expectation the OPA and Eastern Power will work together to find a satisfactory resolution to the site.

What is the process for cancelling the project?

At this time, the OPA will begin discussions with Eastern Power to find a satisfactory resolution to the site.

It's our expectation the OPA and Eastern Power will work together to find a satisfactory resolution to the site.

COST

Isn't the price going up as long as construction continues?

Many issues will be considered in the discussions.

How much is it going to cost to relocate this plant?

I have asked the OPA to begin discussions with Eastern Power to find a satisfactory resolution to the site. I'm hopeful that this will be resolved fairly and in the best interests of ratepayers.

How much would it have cost to move the plant when the intent to relocate was first announced in late September, 2011?

Many issues will be considered in the discussions.

Is the company just trying to get as much as they can from a settlement?

I'm hopeful that this will be resolved fairly and in the best interests of ratepayers.

Will the cost be made public knowledge at some time?

Our government is committed to conducting business in an open and transparent manner.

How long do you expect negotiations to take and how much will this cost taxpayers?

The first step is holding discussions with Eastern Power. We have asked the OPA to begin discussions with Eastern Power.

It's our expectation the OPA and Eastern Power will work together to find a satisfactory resolution to the site.

RELOCATION

What are the alternative locations being considered?

The first step is holding discussions with Eastern Power. We have asked the OPA to begin discussions with Eastern Power to find a satisfactory resolution to the site.

Will it be in Mississauga?

The first step is holding discussions with Eastern Power.

Why not build the natural gas plant in Nanticoke instead? They've indicated they're a willing host community.

The first step is holding discussions with Eastern Power. We have asked the OPA to begin discussions with Eastern Power to find a satisfactory resolution to the site.

Will the public be consulted?

Yes.

LOCAL SUPPLY AND RELIABILITY

Will this jeopardize power supply in the area?

We are in an excellent supply situation in Ontario. The OPA will examine what options are available including transmission options to ensure reliability.

How delayed will this plant be now and do we have enough power in the interim to meet demand?

As I have said, the first step is holding discussions with Eastern Power.

We are in an excellent supply situation in Ontario. The OPA will examine what options are available, including transmission options, to ensure reliability.

How often will the new plant operate?

Actual operation of an alternate plant will depend on several factors including weather, local system conditions, demands on the electricity system and the availability of other sources of power.

So we know for sure it will be a gas plant – and not additional transmission or other resources, such as renewable energy and conservation – that will replace this plant?

We are in an excellent supply situation in Ontario. The OPA will examine what options are available, including transmission options, to ensure reliability.

What about the transmission solution? When the Oakville plant was cancelled you said a transmission solution can ensure the area will have enough electricity.

We are in an excellent supply situation in Ontario. The OPA will examine what options are available, including transmission options, to ensure reliability.

Will a natural gas plant be built in the Kitchener-Waterloo-Cambridge-Guelph area?

As indicated in the Long-Term Energy Plan the procurement of a natural gas plant in the Kitchener-Waterloo-Cambridge area is necessary.

The Kitchener-Waterloo-Cambridge area is a major automotive and high-tech centre and is experiencing rapid population and economic growth. Peak demand has been increasing at a rate double the provincial average. The region is host to several data centres that require a reliable power supply.

How many natural gas plants are there already operating in the GTA?

There are four major plants:

- The 550-megawatt Portlands Energy Centre near downtown Toronto
- The 874-megawatt Goreway Station in Brampton
- The 683-megawatt Halton Hills Generating Station
- A 117-megawatt cogeneration plant at the Toronto International Airport in Mississauga

In addition there are a number of smaller natural gas generating plants operating in industry, and in commercial and institutional complexes, including universities and hospitals, including:

- A 68-megawatt facility at the Ottawa Health Sciences Centre
- A 6.6-megawatt facility at Brock University in St. Catharines
- A 2.3-megawatt district energy facility at [Durham College in Oshawa](#)
- A 12-megawatt [cogeneration facility in London](#)
- A 5-megawatt cogeneration facility in [Sudbury](#)
- A 6.7-megawatt cogeneration facility at Sudbury hospital

WHAT RELOCATING GREENFIELD MEANS FOR OTHER PROJECTS

Are there other power projects set to break ground that you may reconsider?

This is a case and location-specific issue and is not applicable to any other issue.

You said that about Mississauga, after you cancelled Oakville. How can we trust that you won't cave to pressure the next time?

Like any other business, energy partners work together to respond to changing conditions.

This is a case and location-specific issue and is not applicable to any other issue.

Communities object to wind power yet you won't budge. This is two gas plants you have cancelled. Why the double-standard?

The government has heard the community's concerns about this plant proceeding as originally planned prompting our intention to relocate the plant. There is no reason to try and juxtapose this case with other generation projects.

Does this speak to a need to have a more independent, arms-length process?

This is a case and location-specific issue and is not applicable to any other issue. We will continue to work collaboratively with all parties involved.

Will you reconsider new gas set-backs or a new siting process for plants of any kind?

We are investigating how siting is dealt with in other jurisdictions but are still in the preliminary research stage.

What is the status of negotiations with TransCanada over the cancellation of the Oakville plant?

We are in discussions with TransCanada, and do not have an update at this time.

GENERAL BACKGROUND

- Greenfield South Generating Station is a 280-megawatt combined cycle natural gas plant located in the City of Mississauga on a 4.5 hectare property at 2315 Loreland Avenue. The plant will occupy roughly 2 hectares of the property.
- The plant is 700 metres from the Trillium Health Centre and 1.1 km from the nearest school (Isna Elementary School). The nearest block of homes is about 250 metres south of the site.
- The plant was selected in the Ministry of Energy Clean Energy Supply competition in 2005 and holds a contract with the Ontario Power Authority (OPA).
- The plant's original planned commercial operation date was 2009.
- Approval delays resulting from City of Mississauga opposition to the project at the environmental approval and building permitting stages harmed the economic viability

of the project. The contract between Greenfield South Power Corporation and the OPA was renegotiated, and the commercial operation date has been extended to September 1, 2014.

- The project obtained zoning approval in 2007 and environmental approval in 2008.
- The OPA was advised on May 31, 2011, that the company has received its building permit for the plant. The company is moving equipment to the site, and excavation and foundation work is expected to start in early July.
- The site is located in a predominantly industrial area. It is bounded by a railway line, a transmission corridor and the Queen Elizabeth Way.
- The Ontario Municipal Board reviewed municipal planning and zoning and determined that the site was properly zoned and suitable for this type of electricity generation facility.
- In October 2011, the Minister of Energy wrote to the OPA asking them to begin discussions with Eastern Power to find an alternate location for the Greenfield South Plant.

Note:

In April 2005, Eastern Power was awarded contracts for two 280 MW natural gas plants – one for Greenfield South and one for Greenfield North (Huronario St. north of Derry Rd.). In August 2005, Greenfield North contract terminated under a mutual agreement between the OPA and Eastern Power because Eastern Power was not able to obtain financing. The Greenfield South contract remained in place. At the time, Eastern Power said it preferred the Greenfield South site because it was better for natural gas supply and electrical connection and the area was zoned for industrial activity, including power generation.

Fisher, Petra (ENERGY)

From: Chapman, Tom (ENERGY)
Sent: November-16-11 12:09 PM
To: Smith, Mark (ENERGY); King, Ryan (ENERGY)
Subject: RE: ACTION REQUIRED: Greenfield South Background

In this case I would suggest using 'over 100,000 homes'

The amount varies according to how much the plant would run. The 100k is a conservative estimate.

Tom Chapman | (office) 416 325 6898 | (cell) 416 458 6515

From: Smith, Mark (ENERGY)
Sent: November 16, 2011 11:28 AM
To: King, Ryan (ENERGY); Chapman, Tom (ENERGY)
Subject: RE: ACTION REQUIRED: Greenfield South Background

Great, Thanks!

Mark Smith
Media and Issues Officer
Ministry of Energy and Ministry of Infrastructure
416-326-5001

From: King, Ryan (ENERGY)
Sent: November 16, 2011 11:27 AM
To: Smith, Mark (ENERGY); Chapman, Tom (ENERGY)
Subject: RE: ACTION REQUIRED: Greenfield South Background

The plant was needed as part of the commitment to close all coal fired generation facilities (originally for 2007) as were the other facilities that were part of the RFP. I've attached further info on Greenfield in a chronology and BN on eastern power in particular. Tom, would you be able to run the math on a 280 MW plant for homes powered?

Thanks

From: Smith, Mark (ENERGY)
Sent: November 16, 2011 11:16 AM
To: King, Ryan (ENERGY)
Subject: ACTION REQUIRED: Greenfield South Background
Importance: High

Hi Ryan,
Ryan Dunn is looking for as much background info on Greenfield as he can find. The House Book Note and attached QAs/KM seem to be pretty comprehensive to me. Can you confirm that the information is current? Also, he specifically asked about why it was needed (pulled from early HBN and attached below), and how many homes it would power, can you provide that?

Proposed System Need – as of September 1 2011

- The Greenfield South plant is required to be able to meet needs for local and regional reliability for the Southwest and Western GTA.

Mark Smith

Media and Issues Officer

Ministry of Energy and Ministry of Infrastructure

416-326-5001

Fisher, Petra (ENERGY)

From: Smith, Mark (ENERGY)
Sent: November-16-11 12:13 PM
To: Dunn, Ryan (ENERGY)
Cc: Morton, Robert (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE: Greenfield South Information
Attachments: Greenfield - Messages and Qs and As.Oct27.doc

Importance: High

Hi Ryan, the attached QAs are current, and cover most of the material I think you're looking for. I've clipped out sections based on our conversation, and added information regarding the original RFP.

GENERAL BACKGROUND

- Greenfield South Generating Station is a 280-megawatt combined cycle natural gas plant located in the City of Mississauga on a 4.5 hectare property at 2315 Loreland Avenue. The plant will occupy roughly 2 hectares of the property.
- The plant is 700 metres from the Trillium Health Centre and 1.1 km from the nearest school (Isna Elementary School). The nearest block of homes is about 250 metres south of the site.
- The plant was selected in the Ministry of Energy Clean Energy Supply competition in 2005 and holds a contract with the Ontario Power Authority (OPA).
- The station would have produced enough power to supply over 100,000 homes.
- The plant was designed to complement our baseload supply and would have only operated when electricity supply was needed, during periods of higher demand and to improve the reliability of supply to the local community.
- Actual operation would depend on several factors including weather, demands on the electricity system, and availability of other sources of power.
- The plant's original planned commercial operation date was 2009 (now targetting 2014)
- It was expected to operate 10% to 45% of the time.

On the original RFP

The coal closure commitment created the need for new generation. Should keep in mind that at the time of this RFP the deadline for coal closure was 2007 so there was a real and pressing need (this was the Premier's commitment) to bring new generation that could replace coal (ie meet the potential shortfall). That was the impetus for the RFP. I've pasted below a summary of some of the criteria to do with the actual RFP. As this was an RFP, all of the bids and evaluations are strictly confidential.

- In 2004 and 2005 the Ministry developed and administered a Clean Energy Supply (CES) Request for Proposals that ultimately resulted in 5 successful projects totalling 1,955 MW of gas-fired generating capacity.
- The RFP sought to secure new generation to support coal replacement and support reliability.
- Greenfield South Power Corporation (controlled by Eastern Power Corporation) was a successful applicant in the CES RFP and signed a contract with the OPA in April 2005
- All proposals had to meet rigorous financial and technical requirements, which were examined by an independent Evaluation Team, which consisted of staff from the Ministries of Finance and Energy, the IESO, Hydro One and the OEB. The proposals that met all of these criteria were then stacked according to price (the Net Revenue Requirement) and adjusted for timing, location and transmission requirements. The winners represented the least-cost options for the province.
- All projects are required to meet provincial approvals and municipal approvals including Environmental Assessment and Certificates of Approval.

Local need/other options

What about the transmission solution? When the Oakville plant was cancelled you said a transmission solution can ensure the area will have enough electricity.

- We are in an excellent supply situation in Ontario. The OPA will examine what options are available, including transmission options, to ensure reliability.

Mark Smith

Media and Issues Officer

Ministry of Energy and Ministry of Infrastructure

416-326-5001

**Greenfield South Power Plant
KM/QA
Draft Two – October 27, 2011**

KEY MESSAGES

- Our government is committed to relocating the natural gas plant originally planned for Mississauga.
- That's why I sent a letter to the CEO of the OPA asking him to begin discussions with Eastern Power to find a new location for the site.
- It's our expectation the OPA and Eastern Power will work together to find a **satisfactory resolution to the Mississauga site.**
- As the OPA proceeds with their discussions, we will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority

QUESTIONS AND ANSWERS

STATUS

Why is work proceeding if the plant is being moved?

Our government is committed to finding a satisfactory resolution to the natural gas plant originally planned for Mississauga.

The first step is holding discussions with Eastern Power. I have asked the OPA, as the contract holder, to begin discussions with Eastern Power to find a satisfactory resolution to the site.

Why don't you stop construction while discussions are ongoing?

The first step is holding discussions with Eastern Power. I have asked the OPA, as the contract holder, to begin discussions with Eastern Power to find a satisfactory resolution to the site.

When did construction start?

Construction started in May 2011.

Why hasn't construction stopped?

Again, the first step is holding discussions with Eastern Power. I have asked the OPA to begin discussions with Eastern Power to find a satisfactory resolution to the site

What if Eastern Power does not agree to discussions and continues construction?

It's our expectation the OPA and Eastern Power will work together to find a satisfactory resolution to the site.

Will you issue a stop-order?

I have asked the OPA to begin discussions with Eastern Power to find a satisfactory resolution to the site.

It's our expectation the OPA and Eastern Power will work together to find a satisfactory resolution to the site.

As the OPA proceeds with their discussions, we will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.

Will it require legislation to cancel it?

At this time, the OPA, as the contract holder, will begin discussions with Eastern Power to find a satisfactory resolution to the site.

It's our expectation the OPA and Eastern Power will work together to find a satisfactory resolution to the site.

But if talks break down, is legislation an option?

The first step is holding discussions with Eastern Power.

It's our expectation the OPA and Eastern Power will work together to find a satisfactory resolution to the site.

Legislation is an option, however, the best option, and the one we are choosing at this time, is to have the OPA work with Eastern Power to find satisfactory resolution to the site

Minister, your spokesperson said that legislation was not needed, is this true?

The best option, and the one we are choosing at this time, is to have the OPA work with Eastern Power to find satisfactory resolution to the site.

That's why I sent a letter to letter to the CEO of the OPA asking him to begin discussions with Eastern Power to find a satisfactory resolution to the site.

NEGOTIATIONS

What stage are discussions at with the company? Have you personally spoken to them?

I have asked the OPA, as the contract holder, to begin discussions.

Who is negotiating with the company on behalf of the province? Is it the OPA?

I have asked OPA, as the contract holder, to begin discussions.

Will Eastern Power be the company to build the relocated plant? Do you have assurances from them on that?

At this time, the OPA will begin discussions with Eastern Power to find a satisfactory resolution to the site.

Will you put this back out to tender?

At this time, the OPA will begin discussions with Eastern Power to find a satisfactory resolution to the site.

It's our expectation the OPA and Eastern Power will work together to find a satisfactory resolution to the site.

What is the process for cancelling the project?

At this time, the OPA will begin discussions with Eastern Power to find a satisfactory resolution to the site.

It's our expectation the OPA and Eastern Power will work together to find a satisfactory resolution to the site.

COST

Isn't the price going up as long as construction continues?

Many issues will be considered in the discussions.

How much is it going to cost to relocate this plant?

I have asked the OPA to begin discussions with Eastern Power to find a satisfactory resolution to the site. I'm hopeful that this will be resolved fairly and in the best interests of ratepayers.

How much would it have cost to move the plant when the intent to relocate was first announced in late September, 2011?

Many issues will be considered in the discussions.

Is the company just trying to get as much as they can from a settlement?

I'm hopeful that this will be resolved fairly and in the best interests of ratepayers.

Will the cost be made public knowledge at some time?

Our government is committed to conducting business in an open and transparent manner.

How long do you expect negotiations to take and how much will this cost taxpayers?

The first step is holding discussions with Eastern Power. We have asked the OPA to begin discussions with Eastern Power.

It's our expectation the OPA and Eastern Power will work together to find a satisfactory resolution to the site.

RELOCATION

What are the alternative locations being considered?

The first step is holding discussions with Eastern Power. We have asked the OPA to begin discussions with Eastern Power to find a satisfactory resolution to the site.

Will it be in Mississauga?

The first step is holding discussions with Eastern Power.

Why not build the natural gas plant in Nanticoke instead? They've indicated they're a willing host community.

The first step is holding discussions with Eastern Power. We have asked the OPA to begin discussions with Eastern Power to find a satisfactory resolution to the site.

Will the public be consulted?

Yes.

LOCAL SUPPLY AND RELIABILITY

Will this jeopardize power supply in the area?

We are in an excellent supply situation in Ontario. The OPA will examine what options are available including transmission options to ensure reliability.

How delayed will this plant be now and do we have enough power in the interim to meet demand?

As I have said, the first step is holding discussions with Eastern Power.

We are in an excellent supply situation in Ontario. The OPA will examine what options are available, including transmission options, to ensure reliability.

How often will the new plant operate?

Actual operation of an alternate plant will depend on several factors including weather, local system conditions, demands on the electricity system and the availability of other sources of power.

So we know for sure it will be a gas plant – and not additional transmission or other resources, such as renewable energy and conservation – that will replace this plant?

We are in an excellent supply situation in Ontario. The OPA will examine what options are available, including transmission options, to ensure reliability.

What about the transmission solution? When the Oakville plant was cancelled you said a transmission solution can ensure the area will have enough electricity.

We are in an excellent supply situation in Ontario. The OPA will examine what options are available, including transmission options, to ensure reliability.

Will a natural gas plant be built in the Kitchener-Waterloo-Cambridge-Guelph area?

As indicated in the Long-Term Energy Plan the procurement of a natural gas plant in the Kitchener-Waterloo-Cambridge area is necessary.

The Kitchener-Waterloo-Cambridge area is a major automotive and high-tech centre and is experiencing rapid population and economic growth. Peak demand has been increasing at a rate double the provincial average. The region is host to several data centres that require a reliable power supply.

How many natural gas plants are there already operating in the GTA?

There are four major plants:

- The 550-megawatt Portlands Energy Centre near downtown Toronto
- The 874-megawatt Goreway Station in Brampton
- The 683-megawatt Halton Hills Generating Station
- A 117-megawatt cogeneration plant at the Toronto International Airport in Mississauga

In addition there are a number of smaller natural gas generating plants operating in industry, and in commercial and institutional complexes, including universities and hospitals, including:

- A 68-megawatt facility at the Ottawa Health Sciences Centre
- A 6.6-megawatt facility at Brock University in St. Catharines
- A 2.3-megawatt district energy facility at [Durham College in Oshawa](#)
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Fisher, Petra (ENERGY)

From: Gerard, Paul (ENERGY)
Sent: November-16-11 12:15 PM
To: Botond, Erika (ENERGY)
Cc: Kett, Jennifer (OPO); Kett, Jennifer (ENERGY); Dunn, Ryan (ENERGY); Levitan, Daniel (ENERGY); Kovesfalvi, Sylvia (ENERGY); Morton, Robert (ENERGY); Sylvis, Laura (ENERGY); Kulendran, Jesse (ENERGY); Silva, Joseph (ENERGY); Lepage, Guy (CAB); Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Subject: MEDIA CALL - Global TV News - Request to Interview Minister about Greenfield South
Importance: High

Hello Erika,

Nishi Gupta at Global TV News would like an on-camera interview with Minister Bentley for him to respond to today's press conference held at the Greenfield South site by the Conservative energy critic.

Nishi.gupta@globalnews.ca
416-662-5938

Paul.

Fisher, Petra (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November-16-11 12:17 PM
To: 'Smith, Mark (ENERGY)'; Dunn, Ryan (ENERGY)
Cc: Morton, Robert (ENERGY)
Subject: RE: Greenfield South Information

ps – Ryan – to clarify, the attached QA were prepared to respond to general inquiries in late October. A week ago today, I began working on another collection of QA focused on potential outcomes of negotiations with Greenfield (you've seen latest version). This collection continues to evolve (I'll be sending out another version later this afternoon).

From: Smith, Mark (ENERGY)
Sent: November 16, 2011 12:13 PM
To: Dunn, Ryan (ENERGY)
Cc: Morton, Robert (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE: Greenfield South Information
Importance: High

Hi Ryan, the attached QAs are current, and cover most of the material I think you're looking for. I've clipped out sections based on our conversation, and added information regarding the original RFP.

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Requirement) and adjusted for timing, location and transmission requirements. The winners represented the least-cost options for the province.

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Mark Smith

Media and Issues Officer

Ministry of Energy and Ministry of Infrastructure

416-326-5001

Fisher, Petra (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November-16-11 12:41 PM
To: 'Kristin Jenkins'; 'Patricia Phillips'
Subject: Greenfield Presser
Attachments: photo.jpg

Duplicate attachment removed
(previously released)

Suspect you've already seen ...

-----Original Message-----

From: Cayley, Daniel (ENERGY)
Sent: November 16, 2011 12:36 PM
To: Botond, Erika (ENERGY); Dunn, Ryan (ENERGY); Kett, Jennifer (ENERGY); Kovesfalvi, Sylvia (ENERGY); Morton, Robert (ENERGY); King, Ryan (ENERGY); Sharkawi, Rula (ENERGY); Nutter, George (ENERGY); Kulendran, Jesse (ENERGY)
Subject: RE: Greenfield Presser

Please see attached photo of the Greenfield South construction site. This was taken from the location where the presser was held.

Daniel Cayley

Issues and Media Officer

Communications Branch

Ministries of Energy and Infrastructure

Office: (416) 325-0781

BB: (416) 347-4677

daniel.cayley@ontario.ca

P Please consider the environment before printing this e-mail

Fisher, Petra (ENERGY)

From: Silva, Joseph (ENERGY)
Sent: November-16-11 12:44 PM
To: Kulendran, Jesse (ENERGY); Dunning, Rebecca (ENERGY)
Subject: RE: Request for Briefing of Minister on Vapour

The crowd from this morning's Vapour Lock briefing know about this briefing to be set up.

Rebecca – could you find time with Maria please? In terms of invitees, Rick, Halyna, Carolyn – Jess, anyone else?

From: Silva, Joseph (ENERGY)
Sent: November 16, 2011 12:43 PM
To: 'david.morley@infrastructureontario.ca'
Cc: Kulendran, Jesse (ENERGY); Dunning, Rebecca (ENERGY)
Subject: RE: Request for Briefing of Minister on Vapour

PS An outlook invite will be sent once timing has been confirmed. Thank you.

From: Silva, Joseph (ENERGY)
Sent: November 16, 2011 12:42 PM
To: 'david.morley@infrastructureontario.ca'
Cc: Kulendran, Jesse (ENERGY); Dunning, Rebecca (ENERGY)
Subject: Request for Briefing of Minister on Vapour

Hi David,

Deputy Lindsay is requesting that David brief the Minister on Project Vapour by way of introduction, update, flag for issues, and options, as appropriate.

We are hoping that David will be able to provide the briefing within the next week or two.

Thank you very much
Joseph

Joseph Silva

Executive Assistant (A) to the Deputy Minister of Energy
Hearst Block 4th Flr, 900 Bay St, Toronto ON M7A 2E1
Tel: 416-325-2371 , Email: Joseph.Silva@ontario.ca

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-16-11 1:48 PM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: King, Ryan (ENERGY); Perun, Halyna N. (ENERGY); Silva, Joseph (ENERGY); Gemmiti, Paola (MAA); Sharkawi, Rula (ENERGY); Kulendran, Jesse (ENERGY); Nutter, George (ENERGY)
Subject: FW: Time-Sensitive: Update
Attachments: QA-repudiationNov16 (siting workstops) 11am(rk).doc

Please see additional changes in the attached – I worked from Ryan's version.

I wonder if we would benefit from a re-group to discuss the different scenarios that we are trying to address. To some extent, circumstances have overtaken us.

At the end of last week, the 2 step scenario was intended to address the OPA's different wording between 2 letters, to be sent at 2 different times: first) that the OPA would not proceed with the contract and second) that it was terminating the contract.

As of yesterday, the language is settled at "not proceeding with the contract" because of legal advice that the OPA received. The termination language will not be used – accordingly, our messages no longer have to reflect that distinction.

Now, the only 2 scenarios in play are 1) Eastern stops construction as a result of the current discussions or 2) Eastern refuses to stop construction.

I've tried to address this a bit in my changes, but I was reluctant to do this completely without everyone on the same page.

Carolyn

From: King, Ryan (ENERGY)
Sent: November 16, 2011 1:25 PM
To: Kovesfalvi, Sylvia (ENERGY); Calwell, Carolyn (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Silva, Joseph (ENERGY); Gemmiti, Paola (ENERGY); Sharkawi, Rula (ENERGY); Kulendran, Jesse (ENERGY); Nutter, George (ENERGY)
Subject: RE: Time-Sensitive: Update

My edits

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November 16, 2011 1:01 PM
To: Calwell, Carolyn (ENERGY); King, Ryan (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Silva, Joseph (ENERGY); Gemmiti, Paola (ENERGY); Sharkawi, Rula (ENERGY); Kulendran, Jesse (ENERGY); Nutter, George (ENERGY)
Subject: Time-Sensitive: Update
Importance: High

CO asked us to develop messaging/qa and coms strategy to support agreement to stop construction while negotiations continue. We recommend we employ the same coms strategy if decision is reached to stop construction (statement from OPA, statement from Minister).

Below is a draft Minister's statement, and attached are key messages (picked up in statement) and updated QA's.

Once I receive your feedback/approval, will share with CO, then ask OPA to draft statement.

(ps – For now, will keep as one document, identifying messaging/qa for all the potential scenarios (dead or alive) requested by CO. Hopefully we are closer to some decisions and I can cut this back (eliminate/meld scenarios) for next go-around).

ENERGY DRAFT – 16 NOV 2011 – 11am – If OPA/Greenfield Reach Agreement to Stop Construction

STATEMENT FROM ONTARIO MINISTER OF ENERGY CHRIS BENTLEY

November 16, 2011

We made a specific commitment to residents in Mississauga and Etobicoke to relocate the gas generating plant currently under construction.

We listened to local concerns from all residents, taking into consideration the changes in the area, including residential development since the plant was proposed.

A few weeks ago, the Ontario Power Authority began negotiations with Greenfield South. This morning/afternoon, the OPA notified us that Greenfield has agreed to stop construction immediately, while negotiations continue.

We are pleased with this progress and look forward to a satisfactory resolution.

Ontario families and businesses need a reliable supply of clean power for our homes and businesses - we intend to honour our commitment to relocate the gas generation plant. The best interests of Ontarians and their communities are our number one priority.

Greenfield Contract Termination (Repudiation)

November 16, 2011 (11am4:17 pm)

MEDIA PROTOCOL

Generally the Minister's Office responds to strategic questions and OPA responds to operational questions.

Strategic - Minister's Office (Minister or Erika Botond)

- Government's decision to relocate the plant
- Government's commitment to relocate the plant.

Operational - OPA (Colin Andersen or Kristen Jenkins)

- Status of contract negotiations, and process for finding another site
- History of Greenfield site selection (required approvals, public consultation, etc).

Process

- The OPA immediately notifies the Ministry of Energy of any Greenfield-related media call (Communications Director, Media Manager and Spokesperson).
- The Ministry immediately notifies Minister's Office, Deputy Minister's Office, Legal and Cabinet Office.
- The OPA submits proposed responses; the ministry secures approvals (Cabinet Office, DMO, Legal, Policy).
- The Minister's Office confirms who responds and how (phone/email).

WHO SAYS WHAT – General Guidelines

	MINISTER	OPA
Key Messages	<p>SCENARIO A – If OPA sends letter to Greenfield South advising unsuccessful negotiations lead to repudiation termination (2-step approach) OPA advises Greenfield that it will not proceed with the contract</p> <p>The OPA is in negotiations with Greenfield South.</p> <p>I understand the OPA has notified Greenfield South that it will not be proceeding with the contract.</p> <p>It is our expectation that Greenfield South will stop construction at the site.</p> <p><u>SCENARIO B – If agreement is reached to stop construction</u></p> <p><u>The OPA continues to negotiate with Greenfield South.</u></p> <p><u>While negotiations continue, Greenfield South has agreed to stop construction immediately.</u></p> <p><u>We are pleased with this progress and look forward to a satisfactory resolution.</u></p> <p><u>The government will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.</u></p>	<p><i>We are in discussions with Greenfield South.</i></p> <p><i>We have notified them that we will not be proceeding with the contract.</i></p> <p><i>It is our expectation that Greenfield South will stop construction at the site.</i></p>
		<p><u><i>We are continuing to negotiate with Greenfield South.</i></u></p> <p><u><i>While negotiations continue, Greenfield South has agreed to stop construction immediately.</i></u></p> <p><u><i>We are continuing our discussions with Greenfield South and hope to reach a satisfactory resolution.</i></u></p>

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	<p><u>SCENARIO CB – If Contract is Terminated Does Not Proceed</u></p> <p>I understand the OPA has had discussions with the developer – Greenfield South. The OPA has notified Greenfield that the OPA is not proceeding with the contract.</p> <p>The OPA will look for another site for the gas plant.</p> <p>The government will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.</p>	<p><i>After pursuing discussions to reach a negotiated agreement, we have notified Greenfield South that the OPA is not proceeding with the contract.</i></p> <p><i>We are seeking to continue discussions with Greenfield South on next steps. We cannot provide any additional information on these discussions at this time.</i></p> <p><i>We will look for another site for the gas plant.</i></p> <p><i>Once potential sites have been identified, the public will be consulted before a final decision is made.</i></p>
	<p><u>SCENARIO DG – If letter/letters become public</u></p> <p>Despite OPA's best efforts, a successful negotiations <u>were not successful-could not be reached</u>.</p> <p>OPA has decided that the contract <u>will</u> come to an end and we support their decision.</p> <p>The government is committed to relocating this plant. It is in the ratepayer's interest to stop construction of this plant as soon as possible.</p> <p>It is also in the interest of Ontario's economy to resolve this as quickly as possible. We need to reassure electricity developers and investors that Ontario remains a good place to make energy investments.</p>	<p><i>Despite our best efforts, a successful negotiations <u>were not successful-could not be reached</u>.</i></p> <p><i>We have decided that the contract <u>will</u> come to an end and appreciate the government's support.</i></p> <p><i>The government is committed to relocating this plant. It is in the ratepayer's interest to stop construction of this plant as soon as possible.</i></p> <p><i>It is also in the interest of Ontario's economy to resolve this as quickly as possible. We need to reassure electricity developers and investors that Ontario remains a good place to make energy investments.</i></p>

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Comment [C1]: Scenario C should reflect the possibility that Greenfield will not agree to stop construction.

	<p>Gas-fired generation has^{is} an important and cost-effective role in building a cleaner, more modern electricity system that meets Ontario's energy needs.</p> <p>To ensure Ontario is following best practices, the government will review the look at the gas-plant siting process. It has already started to investigate how siting is dealt with in other jurisdictions and this investigation will continue.</p> <p>The government remains committed to providing a strong, stable supply of electricity for Ontario. We also remain committed to providing support to those making investments in Ontario's electricity system.</p> <p>The government will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.</p>	<p><i>Gas-fired generation has^{is} an important and cost-effective role in building a cleaner, more modern electricity system that meets Ontario's energy needs.</i></p> <p><i>We share the government's commitment to ratepayer value.</i></p> <p><i>We hope to continue discussions with the developer to arrive at a resolution fair to all parties.</i></p>
Letters		
What does/do these letters mean?	<p><i>It/they mean the government supports OPA's decision to terminate not proceed with the contract with Greenfield South.</i></p>	<p><i>It/they mean negotiations had stalled and that the OPA recognized the best next step for all parties involved – ratepayers, the developer and OPA – was not to proceed with terminate the contract. The OPA decided to terminate not to proceed with the contract and the government indicated their support.</i></p>
Does this mean construction stops immediately?	<p>That is what the OPA asked and that is our expectation.</p>	<p><i>That is what we asked and that is our expectation.</i></p>
What kind of penalty		

<p>does the developer face if they don't stop construction?</p>	<p>The developer will not be able to recover its costs of ongoing construction. We expect Greenfield to stop construction.</p>	<p><i>The developer will not be able to recover its costs of ongoing construction. We have asked them to stop and that it our expectation.</i></p>
<p>Why did negotiations fail?</p>	<p>The OPA and the developer could not reach an agreement.</p>	<p><i>We could not reach an agreement.</i></p>
<p>How long did the OPA give it? How extensive have the discussions been?</p>	<p>I understand the OPA and developer have been speaking frequently for the past month.</p>	<p><i>We have been speaking frequently with the developer for the past month.</i></p>
<p>There's been strong and persistent opposition in other communities – Northern York Region for example, yet those plants are proceeding. Why are you stopping this one?</p>	<p>This is a unique case and these circumstances do not apply to other contracts or issues.</p>	<p><i>This is a unique case and these circumstances do not apply to other contracts or issues.</i></p>
<p>What does “most appropriate way to allocate compensation between the OPA and Crown” mean?</p>	<p>It means that we will sit down together to determine how to share the cost of cancelling<u>not proceeding with</u>-the contract, giving full recognition to ratepayer value and contractual obligations.</p>	<p><i>It means that we will sit down together to determine how to share the cost of cancelling<u>not proceeding with</u> the contract, giving full recognition to ratepayer value and contractual obligations.</i></p>

<p>Exactly how much is it going to cost to cancel this contract?</p>	<p>That has yet to be determined. The OPA is committed to resolving this matter with ratepayer value top of mind.</p>	<p>We hope to start negotiations soon. We are committed to finding a fair resolution that upholds ratepayer value.</p>
<p>How long will settlement negotiations take? Is there a drop-dead date?</p>	<p>The OPA will take the time necessary to come to a fair resolution.</p>	<p><i>We will take the time needed to find a fair solution.</i></p>
<p>Are these letters precedent-setting? Has the Ministry or OPA sent similar letters before?</p>	<p>No. Such letters are not precedent-setting. Our government conducts business on behalf of the people of Ontario in an open and transparent manner.</p>	<p><i>No. Such letters are not precedent-setting. Our agency conducts business on behalf of the people of Ontario. We do so in an open and transparent manner.</i></p>
<p><u>Contract Termination</u></p>		
<p>Has the contract been terminated?</p>	<p><u>SCENARIO A (contract will not proceed if negotiations unsuccessful)A</u></p> <p>No, however if negotiations are not successful, The OPA has notified Greenfield South that it will not be proceeding with the contract. In the meantime, the OPA has asked Greenfield South to stop construction at the site.</p>	<p>No. We are in discussions with Greenfield South. We have notified them however that if our negotiations are not successful, we will not be proceeding with the contract. In the meantime, we have asked Greenfield South to stop construction at the site.</p>

Who terminated the contract?		
Why was the contract terminated? Were other solutions not viable?	<p>SCENARIO B AND GC (not proceeding with contract)</p> <p>Following discussions with Greenfield South, OPA decided that not proceeding with the contract would best serve the public's interest.</p>	<p><i>After pursuing discussions to reach a negotiated agreement, we have notified Greenfield South that the OPA is not proceeding with the contract.</i></p>
Did the OPA terminate the contract at the government's request?	<p>Contract negotiations are commercially sensitive. These discussions are confidential. We are confident the OPA is working in the best interests of Ontarians.</p> <p>The OPA, as the contract holder, has been in discussions with Greenfield South to resolve this matter in the best interests of Ontarians. Following discussions with Greenfield South, OPA decided that not proceeding with the contract best serves the public's interest. We support the OPA's decision.</p>	<p><i>Contract negotiations are commercially sensitive. These discussions are confidential. We will continue to negotiate in the best interests of Ontarians.</i></p> <p><i>The government has been clear that it is committed relocating the plant. Given the government's commitment, and following discussions with Greenfield South, we decided not proceeding with the contract was the appropriate next step.</i></p> <p><i>Our goal has been to resolve this matter in the best interests of Ontarians. We believe this decision best serves the public interest. Contract negotiations are commercial sensitive and we cannot say more than that.</i></p>
Why wasn't the contract terminated sooner?		
If the OPA is terminating the contract, how can you	Discussions began as soon as they could between OPA and	<p><i>We initiated discussions with Greenfield South as soon as ss they could we received the Minister's letter asking us to begin discussions. --Not proceeding with the contract is the result of these discussions.</i></p>

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get the company to work with the OPA to relocate the site?	Greenfield South. This decision is the result of those discussions.	<i>We will pursue further discussions with Greenfield South.</i>
Will Greenfield South be the company to build the relocated plant? Do you have assurances from them on that?	The OPA will pursue further discussions with Greenfield South and we expect them to find a satisfactory resolution.	<i>We expect to continue discussions with Greenfield South and hope to reach a satisfactory resolution.</i>
Will you put this back out to tender?	The OPA will pursue further discussions with Greenfield South to find a satisfactory resolution.	<i>We expect to continue discussions with Greenfield South and hope to reach a satisfactory resolution.</i>
What is the process for finding another site?	The OPA will pursue further discussions with Greenfield South to find a satisfactory resolution.	<i>This will require further consideration, but we will consider local generation needs and transmission and distribution support. Once options are identified, the public will be consulted.</i>
How come you've cancelled the plants in Mississauga and Oakville but not in Northern York Region?	The OPA is best able to answer this. We can confirm that the site selection will include public consultation.	<i>These are two very different situations. Southwest GTA's local reliability issues can be addressed through building transmission. Transmission projects were rejected by the people of Northern York Region, and a generating facility is required immediately in the region to meet North American</i>
	These are two very different situations. The OPA has advised that	

	Southwest GTA's local reliability issues can be addressed through building transmission. Transmission projects were rejected by the people of Northern York Region, and a generating facility is required immediately in the region to meet North American standards for reliability.	<i>standards for reliability.</i>
<p>Unrelated content removed</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>	<p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>	<p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>

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<p><u>Construction</u></p> <p><u>When will construction stop now that Greenfield has agreed to stop work while negotiations continue?</u></p> <p><u>What kind of penalty does the developer face if they don't stop construction?</u></p> <p><u>How much will the construction completed to date cost</u></p>	<p><u>We understand that Greenfield South agreed to stop construction immediately.</u></p> <p><u>The developer will not be able to recover its costs of ongoing construction. We expect Greenfield to stop construction.</u></p> <p><u>That has yet to be determined. The OPA is committed to resolving this matter with ratepayer value top of mind.</u></p>	<p><u>We have an agreement from Greenfield South to stop construction immediately.</u></p> <p><u>The developer will not be able to recover its costs of ongoing construction. We have asked them to stop and that it our expectation.</u></p> <p><u>We are committed to finding a fair resolution that upholds ratepayer value.</u></p>	<div>Formatted: Font: Not Bold</div> <div>Formatted: Font: Not Bold</div> <div>Formatted: Font: Bold</div> <div>Formatted: Font: Bold</div>

<p><u>ratepayers?</u></p> <p><u>Why did it take so long to stop construction?</u></p> <p>Now that the OPA has terminated the contract, will work stop at the site?</p> <p>Will legislation be required to stop construction?</p> <p>Minister, your spokesperson said that legislation was not needed, is this</p>	<p><u>Discussions began as soon as they could between OPA and Greenfield South. The agreement to stop construction is the result of those discussions.</u></p> <p>SCENARIO CA</p> <p>My understanding is that the OPA has notified the developer that it will not be proceeding with the contract. The OPA has asked the developer to stop work at the site.</p> <p>SCENARIO B & C IF SECOND LETTER SENT</p> <p>My understanding is that the OPA has notified the developer that it is not proceeding with the contract. The OPA requires the developer to stop work at the site.</p> <p>Legislation is an option, however, the best option, and the one we are choosing at this time, is to have the OPA work with Greenfield South to find satisfactory resolution.</p> <p>It is our expectation the OPA and Greenfield South will work together to find a satisfactory resolution.</p> <p>The best option, and the one we are choosing at this time, is to have the OPA work with Greenfield South to find satisfactory resolution to the site.</p>	<p><u>We initiated discussions with Greenfield South as soon as we received the Minister's letter asking us to begin discussions. Not proceeding with the contract is the result of these discussions.</u></p> <p>SCENARIO CA</p> <p><i>We have notified Greenfield South that we will not be proceeding with the contract and asked Greenfield to stop construction. We have made it clear that Greenfield is financially liable if construction continues. We will pursue further discussions about stopping work at the site.</i></p> <p>SCENARIO B & C</p> <p><i>The government is best able to answer this question.</i></p> <p>IF SECOND LETTER SENT</p> <p><i>We have notified Greenfield South- that we are not proceeding with the contract. We have stated that we require Greenfield to stop construction. We have made it clear that Greenfield is financially liable if construction continues. We will pursue further discussions about stopping work at the site, and hope to reach a satisfactory resolution.-</i></p> <p><i>The government is best able to answer this question.</i></p>
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true?		
<u>Contract Value</u> Why should anyone want to contract with OPA or government after this? What's the status of negotiations with TransCanada? Will the cost of these contract cancellations be made public knowledge at some time?	<p>The government and our agencies have successful track records for negotiating and fulfilling contracts in the best interest of Ontario taxpayers. This is a unique case and these circumstances do not apply to other contracts or issues.</p> <p>Like any other business, energy partners work together to respond to changing conditions. Contracts are renegotiated or terminated on a small and large scale across businesses of all types.</p> <p>Discussions with TransCanada continue. We do not have an update at this time.</p> <p>Our government is committed to conducting business in an open and transparent manner. We will provide what we can when we can.</p>	<p><i>Our agency has a successful track record for negotiating and fulfilling contracts in the best interest of Ontario ratepayers.</i></p> <p><i>This is a unique case and these circumstances do not apply to other contracts or issues.</i></p> <p><i>Discussions with TransCanada continue. We do not have an update at this time.</i></p> <p><i>Contracts are commercially sensitive. It is up to the developer to determine what they are willing to make public and when.</i></p>

Fisher, Petra (ENERGY)

From: Rehob, James (ENERGY)
Sent: November-16-11 1:50 PM
To: Letourneau, Amanda (ENERGY)
Subject: Greenfield South - Chart for various approvals received

Categories: Green Category

Hi, Amanda! Would you be able to put together a chart or charts of the various approvals received (e.g. municipal, etc) and reflected in your emails (building permits) – Including columns for:

- Permit Type;
- Act
- Permit Number;
- Application by: [expect it would be Greenfield South but could be another entity, affiliate, agent etc.]
- Issued to [expect it would be Greenfield South Power but just in case its some agent, affiliate etc.]
- Date of Issue/Approval?
- Other Information

I may need to create a Schedule to the Bill reflecting some or all of this information.

Come by to discuss if you like,

Thanks very much, Amanda!
James

James P. H. Rehob
Senior Counsel
Ministry of Energy and
Ministry of Infrastructure
Legal Services Branch
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Tel: 416-325-6676
Fax: 416-325-1781
james.rehob@ontario.ca

Notice

This communication may be solicitor/client privileged and contain confidential information only intended for the person(s) to whom it is addressed. Any dissemination or use of this information by others than the intended recipient(s) is prohibited. If you have received this message in error please notify the writer and permanently delete the message and all attachments. Thank you.

Cayley, Daniel (ENERGY)

From: Rehob, James (ENERGY)
Sent: November-16-11 2:11 PM
To: Calwell, Carolyn (ENERGY)
Subject: FW: Greenfield Presser
Attachments: WS_BinaryComparison_gov2011.046 (Greenfield South Power Project).e01-gov2011.046 (Greenfield South Power Project).e02PW.doc; gov2011.046 (Greenfield South Power Project).e02PW.doc

Duplicate attachments removed

Privileged & Confidential

Hi, Carolyn - this just received - OLC is sitting lack of information (as are we) - see note below. Try same password as last time if needed.

Kindly,

James

-----Original Message-----

From: MacNaughton, Catherine (JUS)
Sent: November 16, 2011 2:07 PM
To: Rehob, James (ENERGY)
Cc: Partington, Tara (JUS); Perun, Halyna N. (ENERGY)
Subject: RE: Greenfield Presser

Hi James,

Attached is draft 2 which has some changes from draft 1, but the changes are based on our guesses of what you might want to consider including and some fine tuning on the language I threw together quickly for draft 1. I cannot go any further without some input on what your Ministry, MAG and Finance want. All we do is the drafting and translating. Without content instructions, we can't do anything further for you. We have no info on details needed for the compensation or how it will be paid or when, etc. We don't know what is to be removed from the site and how the site is to be left. We have no info on what if anything will be included relating to whether or not to assist the Corporation once it is in breach of all of its contracts for the construction and open to being sued. I am sure there may be other issues to be covered but I don't know what they are or what you need the bill to do.

thanks

Catherine Macnaughton
Legislative Counsel
Office of Legislative Counsel
3600-99 Wellesley Street West
Toronto, Ontario M7A 1A2
phone: (416) 326-2787
fax: (416) 326-2806

email: catherine.macnaughton@ontario.ca -----Original Message-----

From: Rehob, James (ENERGY)
Sent: November 16, 2011 13:31
To: MacNaughton, Catherine (JUS)
Cc: Partington, Tara (JUS)

Subject: FW: Greenfield Presser

Privileged & Confidential Legal Advice / Solicitor & Client Privileged

November 16, 2011

Hi, Catherine and Tara - Just checking in: This was just received - it appears the construction is still proceeding and of course my Director had asked how the draft Bill is proceeding. Please let me know how things are going and if you require anything from me (beyond answers to the many good questions you posed in the initial draft).

For now, I'm continuing to work with the initial draft and will transfer any updated thinking/language for your consideration into the next draft.

We are hoping to receiving clarity or at least some direction on two of the major issues soon, compensation and site (who to own, what level of remediation, etc.) as the DM is setting up a briefing with the MO in order to get guidance. Hence, I hope to be in a position to address at least some of your questions soon.

Thanks - I'm at x.56676.
James

-----Original Message-----

From: Calwell, Carolyn (ENERGY)
Sent: November 16, 2011 12:48 PM
To: Perun, Halyna N. (ENERGY); Rehob, James (ENERGY)
Subject: FW: Greenfield Presser

The attached gives us a good sense of the construction to date.

Carolyn

-----Original Message-----

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November 16, 2011 12:41 PM
To: @CAB-Issues
Cc: McMichael, Rhonda (CAB); Calwell, Carolyn (ENERGY)
Subject: Greenfield Presser

-----Original Message-----

From: Cayley, Daniel (ENERGY)
Sent: November 16, 2011 12:36 PM
To: Botond, Erika (ENERGY); Dunn, Ryan (ENERGY); Kett, Jennifer (ENERGY); Kovesfalvi, Sylvia (ENERGY); Morton, Robert (ENERGY); King, Ryan (ENERGY); Sharkawi, Rula (ENERGY); Nutter, George (ENERGY); Kulendran, Jesse (ENERGY)
Subject: RE: Greenfield Presser

Please see attached photo of the Greenfield South construction site. This was taken from the location where the presser was held.

Daniel Cayley

Issues and Media Officer

Communications Branch

Ministries of Energy and Infrastructure

Office: (416) 325-0781

BB: (416) 347-4677

daniel.cayley@ontario.ca

P Please consider the environment before printing this e-mail

Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November-16-11 2:23 PM
To: 'King, Ryan (ENERGY)'; Calwell, Carolyn (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Silva, Joseph (ENERGY); Gemmiti, Paola (MAA); Sharkawi, Rula (ENERGY); Kulendran, Jesse (ENERGY); Nutter, George (ENERGY)
Subject: RE: Time-Sensitive: Update

Any objections to my replacing messaging for Scenario A (not proceeding) with messaging in current version of Minister's and OPA's statements?

From: King, Ryan (ENERGY)
Sent: November 16, 2011 2:17 PM
To: Nutter, George (ENERGY); Kovesfalvi, Sylvia (ENERGY); Calwell, Carolyn (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Silva, Joseph (ENERGY); Gemmiti, Paola (MAA); Sharkawi, Rula (ENERGY); Kulendran, Jesse (ENERGY)
Subject: RE: Time-Sensitive: Update

By all means yes

From: Nutter, George (ENERGY)
Sent: November 16, 2011 1:54 PM
To: Kovesfalvi, Sylvia (ENERGY); Calwell, Carolyn (ENERGY)
Cc: King, Ryan (ENERGY); Perun, Halyna N. (ENERGY); Silva, Joseph (ENERGY); Gemmiti, Paola (MAA); Sharkawi, Rula (ENERGY); Kulendran, Jesse (ENERGY)
Subject: RE: Time-Sensitive: Update

Certainly I am supportive of the two scenario approach.

George Nutter
Manager, Energy Communications
Communications Branch
Ministry of Energy
Ministry of Infrastructure

4th fl. Hearst Block
900 Bay Street
Queen's Park, Toronto
Ontario, Canada M7A 2E1

416-326-9602 office
416-326-3947 fax

george.nutter@ontario.ca

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November 16, 2011 1:53 PM
To: Calwell, Carolyn (ENERGY)
Cc: King, Ryan (ENERGY); Perun, Halyna N. (ENERGY); Silva, Joseph (ENERGY); Gemmiti, Paola (MAA); Sharkawi, Rula (ENERGY); Kulendran, Jesse (ENERGY); Nutter, George (ENERGY)
Subject: RE: Time-Sensitive: Update

The simpler the better. I'm ok with creating one doc with two scenarios if there's agreement across the board (I'll check in with CO as well).

From: Calwell, Carolyn (ENERGY)
Sent: November 16, 2011 1:48 PM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: King, Ryan (ENERGY); Perun, Halyna N. (ENERGY); Silva, Joseph (ENERGY); Gemmiti, Paola (MAA); Sharkawi, Rula (ENERGY); Kulendran, Jesse (ENERGY); Nutter, George (ENERGY)
Subject: FW: Time-Sensitive: Update

Please see additional changes in the attached – I worked from Ryan's version.

I wonder if we would benefit from a re-group to discuss the different scenarios that we are trying to address. To some extent, circumstances have overtaken us.

At the end of last week, the 2 step scenario was intended to address the OPA's different wording between 2 letters, to be sent at 2 different times: first) that the OPA would not proceed with the contract and second) that it was terminating the contract.

As of yesterday, the language is settled at "not proceeding with the contract" because of legal advice that the OPA received. The termination language will not be used – accordingly, our messages no longer have to reflect that distinction.

Now, the only 2 scenarios in play are 1) Eastern stops construction as a result of the current discussions or 2) Eastern refuses to stop construction.

I've tried to address this a bit in my changes, but I was reluctant to do this completely without everyone on the same page.

Carolyn

From: King, Ryan (ENERGY)
Sent: November 16, 2011 1:25 PM
To: Kovesfalvi, Sylvia (ENERGY); Calwell, Carolyn (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Silva, Joseph (ENERGY); Gemmiti, Paola (ENERGY); Sharkawi, Rula (ENERGY); Kulendran, Jesse (ENERGY); Nutter, George (ENERGY)
Subject: RE: Time-Sensitive: Update

My edits

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November 16, 2011 1:01 PM
To: Calwell, Carolyn (ENERGY); King, Ryan (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Silva, Joseph (ENERGY); Gemmiti, Paola (ENERGY); Sharkawi, Rula (ENERGY); Kulendran, Jesse (ENERGY); Nutter, George (ENERGY)
Subject: Time-Sensitive: Update
Importance: High

CO asked us to develop messaging/qa and coms strategy to support agreement to stop construction while negotiations continue. We recommend we employ the same coms strategy if decision is reached to stop construction (statement from OPA, statement from Minister).

Below is a draft Minister's statement, and attached are key messages (picked up in statement) and updated QA's.

Once I receive your feedback/approval, will share with CO, then ask OPA to draft statement.

(ps – For now, will keep as one document, identifying messaging/qa for all the potential scenarios (dead or alive) requested by CO. Hopefully we are closer to some decisions and I can cut this back (eliminate/meld scenarios) for next go-around).

ENERGY DRAFT – 16 NOV 2011 – 11am – If OPA/Greenfield Reach Agreement to Stop Construction

STATEMENT FROM ONTARIO MINISTER OF ENERGY CHRIS BENTLEY

November 16, 2011

We made a specific commitment to residents in Mississauga and Etobicoke to relocate the gas generating plant currently under construction.

We listened to local concerns from all residents, taking into consideration the changes in the area, including residential development since the plant was proposed.

A few weeks ago, the Ontario Power Authority began negotiations with Greenfield South. This morning/afternoon, the OPA notified us that Greenfield has agreed to stop construction immediately, while negotiations continue.

We are pleased with this progress and look forward to a satisfactory resolution.

Ontario families and businesses need a reliable supply of clean power for our homes and businesses - we intend to honour our commitment to relocate the gas generation plant. The best interests of Ontarians and their communities are our number one priority.

Cayley, Daniel (ENERGY)

From: King, Ryan (ENERGY)
Sent: November-16-11 2:43 PM
To: Jennings, Rick (ENERGY)
Subject: FW: Revised options deck
Attachments: GS Options on Site 16 11 2011(rk).ppt

Rick, my suggested edits attached in red

From: Perun, Halyna N. (ENERGY)
Sent: November 16, 2011 2:40 PM
To: King, Ryan (ENERGY); Rehob, James (ENERGY)
Cc: Jennings, Rick (ENERGY)
Subject: RE: Revised options deck

Hi there –We'll need comments by 4:15 please - thank you

Halyna

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From: Calwell, Carolyn (ENERGY)
Sent: November 16, 2011 1:14 PM
To: King, Ryan (ENERGY); Rehob, James (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY)
Subject: Revised options deck

We had the opportunity to take the DM through the Greenfield options deck this morning and to discuss compensation and site issues. The DMO is now trying to schedule a briefing for the Minister, which could happen as early as tomorrow morning. Would you please take a look at the attached revised deck and provide your comments? The changes aren't intended to fundamentally revisit the approach but rather are supposed to clarify – if that hasn't happened, please let me know. The DMO is looking for the revised deck by end of day. My apologies for the short turn around.

Thank you!

Carolyn

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Greenfield South Power Corporation Options

**Minister's Briefing
Confidential/Solicitor Client Privileged
November 17, 2011**

Issues

- Next steps to resolve the Greenfield South gas plant require the government and the OPA to determine:
 1. what compensation Greenfield South should receive for termination of the contract; and
 2. what will happen with the Greenfield South site
- These issues inform both negotiations with Greenfield South and, potentially, draft legislation
 - All options are not equally feasible and may need to be adjusted depending on circumstances

Compensation

- There are at least 3 options to address compensation:
 1. Formula based on provable costs incurred by Greenfield South
 2. Fixed amount based on estimated costs incurred by Greenfield South
 3. Referral to a third party arbitrator for determination of compensation

Compensation

- Compensation is assumed to include:
 - Sunk costs of construction and equipment
 - Costs paid to terminate construction and equipment contracts
 - Soft development costs, such as engineering, design, surveys, and legal fees
 - Costs of securing the site once construction stops
- Compensation could include:
 - Lost profits
 - Costs of acquiring the site

Option 1 – Formula based on costs incurred

- Greenfield would receive compensation for reasonable costs incurred in developing the project based on costs that it could prove through invoices and other documentation and, potentially, audit
- A formula could define “reasonable costs” and the time periods in which those costs were incurred
- Pros
 - Places onus on Greenfield South to prove its costs
 - Payment would be based on verifiable information
 - This approach was taken in the *Adams Mine Lake Act, 2004*
 - Provides a rational basis for negotiations
- Cons
 - Negotiations could become bogged down in settling a formula without getting to the application of the formula
 - May remain unresolved for a significant period of time as the process unfolds